



COMMENTS, RESPONSES, AND REVISIONS TO THE DRAFT EIR

PIERCE'S DISEASE CONTROL PROGRAM

California Department of Food and Agriculture

May 2003
SCH# 2001032084

**COMMENTS, RESPONSES, AND REVISIONS
TO THE DRAFT ENVIRONMENTAL IMPACT REPORT**

for the

PIERCE'S DISEASE CONTROL PROGRAM

California Department of Food and Agriculture

SCH# 2001032084

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1.0 INTRODUCTION

In March 2002, the California Department of Food and Agriculture (CDFA) distributed to public agencies and the general public the Draft Environmental Impact Report (Draft EIR) for the Pierce's Disease Control Program (PDCP). The proposed PDCP would be a statewide program to minimize the impact of Pierce's disease in California. A major strategy in this program would be to reduce the spread and occurrence of the glassy-winged sharpshooter, a non-native insect capable of spreading the disease to new areas of California. CDFA is the agency responsible for coordinating the comprehensive statewide program and is the Lead Agency for the EIR. The county agricultural commissioner, or another agency designated by the Board of Supervisors of each county, would have the responsibility for local implementation of the program, in coordination with CDFA. The program would have five central elements: public outreach, statewide survey, contain the spread, rapid response, and research. The proposed program would be an extension of an ongoing emergency program being conducted pursuant to a mandate by the California State Legislature to control Pierce's disease and the glassy-winged sharpshooter.

CDFA provided the public with 50 days to review and submit comments on the Draft EIR. This satisfied the California Environmental Quality Act (CEQA) requirement for a 45-day public review period. In addition, five public meetings to receive comments on the Draft EIR were noticed and held in the following locations in California: Sacramento on April 24, 2002; Riverside on April 25, 2002; Napa on April 29, 2002; Tulare on April 30, 2002; and San Luis Obispo on May 1, 2002.

Approximately 1,000 copies of the Draft EIR were distributed. They were sent to all responsible and trustee agencies; the State Clearinghouse; County Agricultural Commissioners; County Boards of Supervisors; City and County Planning Departments; County libraries; PDCP Environmental Task Force, Advisory Task Force, and Science Advisory Panel members; and all persons who requested a copy. Comments were received from 125 organizations and individuals.

All comments on the Draft EIR and responses thereto are presented in this document. Comments received after the closing date were considered in accordance with Section 15088 of the State CEQA Guidelines. The entire EIR consists of two documents, the Draft Environmental Impact Report and this "Comments, Responses, and Revisions" document. Together, these two documents constitute the Final EIR.

I.I ORGANIZATION OF THIS DOCUMENT

This “Comments, Responses, and Revisions” document is organized into the following chapters:

Chapter 1: Introduction gives background information on the program and Draft EIR and describes the organization of the document.

Chapter 2: List of Organizations and Persons Who Submitted Comments on the Draft Environmental Impact Report, and Public Meetings Held to Receive Comments contains an index indicating the number assigned to each comment letter, the commenter/agency that prepared the letter, and the date the comment was made (if the letter was not dated, this reflects the date received).

Chapter 3: Master Responses provides “master responses” to address issues that were raised in a number of different comments.

Chapter 4: Comments and Responses provides responses to comments dealing with significant environmental points (as required by State CEQA Guidelines Section 15132) as well as to other topics or concerns raised by commenters. Responses are labeled with an alphanumeric designation consistent with the comment being addressed.

Chapter 5: Draft EIR Revisions provides any necessary changes to the text of the Draft EIR. The changes are presented in the form of a reproduction of portions of the Draft EIR with text and graphic revisions made either in response to comments or to update the Draft EIR text. Textual deletions are indicated by strikeout (~~strikeout~~) and additions are indicated by underlined text (underline).

Chapter 6: List of Submitted Documents identifies all documents submitted to the California Department of General Services (CDGS) and/or CDFA as attachments to comment letters during the PDCP Draft EIR public review period. The submitted materials are incorporated by reference and are available for public review at the main office of CDFA’s Plant Health and Pest Prevention Services, located at 1220 N Street, Sacramento, California.

Chapter 7: List of Abbreviations Used in This Document identifies the full name or phrase represented by abbreviations used in the document.

Chapter 8: Preparers of This Document identifies the preparers of this “Comments, Responses and Revisions” document.

The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments. Some commenters raised issues that are outside the scope of an EIR, such as statements of support for or opposition to the program, or social and economic issues that are not within the purview of CEQA. CDFA responded to environmental comments, and also responded to other issues and views when doing so was deemed helpful at clarifying important aspects of the proposed program. No specific response was prepared for comments which did not raise significant environmental issues nor address important aspects of the proposed program. In these cases, the comment was simply noted. Commenters did not identify any new significant environmental impacts not addressed in the EIR. All comments received will be taken into consideration by CDFA when determining what action to take on the proposed program. Responses to environmental issues raised and other expressed issues and views are provided in Chapters 3 and 4. Chapter 3 provides master responses to general issues raised by different commenters. Chapter 4 contains copies of comment letters and public meeting transcripts and includes specific responses to specific comments contained in these documents.

I.2 RESPONSES TO COMMENTS FROM PUBLIC AGENCIES

In accordance with Public Resources Code Section 21092.5, CDFA provided written responses at least 10 days prior to certifying the EIR to each public agency which commented on the Draft EIR.

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2.0 LIST OF ORGANIZATIONS AND PERSONS WHO SUBMITTED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT, AND PUBLIC MEETINGS HELD TO RECEIVE COMMENTS

Table 2-1 lists all organizations and persons who submitted comments on the Draft EIR and all public meetings held to receive comments. The table provides the letter or public meeting number, commenter, and date of the correspondence (if the letter was not dated, this reflects the date received). The comments are organized into four groups designated by the letters A through D, as follows: A) Public Agencies; B) Private Organizations; C) Individuals; D) Public Meetings (Transcripts).

Each letter and comment has a letter/number designation assigned for cross-referencing purposes. Within each lettered group of comments, the comment letters are numbered sequentially by commenter. The letter-number designations are used as the prefix for individual comments, which are also numbered sequentially after the prefix. Therefore, comment A2-1 is the first comment of letter 2 in group A (Public Agencies), comment A2-2 is the second comment of the same letter.

Not all names were entirely legible on the comment letters; consequently, some misspellings may have occurred and are unintentional. The comment letters and public meeting transcripts, along with responses from the Lead Agency, are presented in Chapter 4. Only single copies of form letters or post cards are provided in Chapter 4 unless a sender included additional information.

TABLE 2-1. COMMENTERS AND PUBLIC MEETINGS ON THE PDCP DRAFT EIR

Letter	Commenter and Agency or Organization	Date
A. PUBLIC AGENCIES		
A1	City of Lake Forest, CA	April 3, 2002
A2	City of Anaheim, CA	April 10, 2002
A3	City of Fontana, CA	April 19, 2002
A4	City of Milpitas, CA	May 1, 2002
A5	California Department of Pesticide Regulation	May 9, 2002
A6	California Regional Water Quality Control Board, North Coast Region	May 15, 2002
A7	Office of Planning and Research	May 21, 2002
B. PRIVATE ORGANIZATIONS		
B1	Linda J. McElver, Canaries Foundation, Inc.	April 8, 2002
B2	Linda J. McElver, Canaries Foundation, Inc.	April 17, 2002
B3	Life on Planet Earth (various signatures)	April 22, 2002
B4	Linda J. McElver, Canaries Foundation, Inc.	April 24, 2002
B5	William J. Thomas, California Grape & Tree Fruit League	May 2, 2002
B6	Linda J. McElver, Canaries Foundation, Inc.	May 7, 2002
B7	Jane E. Nielson, Ph.D., Public Employees for Environmental Responsibility	May 6, 2002
B8	Willow Walking Turtle Kelley, M.S., Citizens For Safe Access to Essential Services and Safe Milieus	May 7, 2002
B9	Hector Bedolla, Sonoma County Grape Growers Association	May 8, 2002
B10	Richard S. Samra, Phillaur Corporation	May 9, 2002
B11	Citizens For Safe Access to Essential Services and Safe Milieus	May 13, 2002
B12	Jane Levin, No Barriers	May 13, 2002
B13	Karen Ross, California Association of Winegrape Growers	May 13, 2002
B14	Linda J. McElver and Dave Wilson, Canaries Foundation, Inc.	May 15, 2002
B15	Patricia M. Clary, CATs Californians for Alternatives to Toxics	May 16, 2002
B16	Lowell Downey, People Opposed to Insecticide Spraying on Neighborhoods, on behalf of various organizations (see signature pages)	May 17, 2002
B17	Kristin Rosenow, The Ecological Farming Association	May 17, 2002
B18	Virginia Souders-Mason, Marin Beyond Pesticides Coalition	May 17, 2002
B19	Barbara Wilkie, Environmental Health Network	May 17, 2002
B20	Dan Zimmerman, Sierrans For Safe Passage	May 17, 2002
B21	Ann Maurice, Ad Hoc Committee for Sustainable Agriculture	May 20, 2002
B22	Lowell Downey, People Opposed to Insecticide Spraying On Neighborhoods	May 23, 2002
C. INDIVIDUALS		
C1	Tina Unterberger	April 18, 2002
C2	Nels Worden	April 29, 2002

TABLE 2-1. COMMENTERS AND PUBLIC MEETINGS ON THE PDCP DRAFT EIR

Letter	Commenter and Agency or Organization	Date		
C3	Carina Asi Daniela Arnon Coyle Boyd Frances Boyd Alan Brady Thomas G. Brisjkevkard Tara Burke Harold Bustamante Michele Butz Kevin Kat Byrne Rachel Cadman Jeff Caplan Carol Dawn Kathy DiPeri Linda Elder Susan Ferrel Herbert Gravitz Katherine M. Galvin Dorene Garvin Paul Gaylon Kara Hagedorn	Sarah Helmbrecht Heidi Herrmann Nancy Herzog Russell W. Hodin Chris Hofer Linda Ikeda Rosanne Jefferies Terry L. Joslit Dawn Kelly Theodora Kerry Krista Kiah Robert Kiah Trent Kittle Manly and Greta Kraum Dona Laurita Patricia Mahnstrom M.C. Maver Christine Nagel Allyson Nakasone Daniel P. Neumann	Nelene Neumann Caitlin J. Pruitt Patricia Renshaw Sarah Ringler Evelyn D. Rios Romona Rubin Dave Sanchez Laura Sanchez Jocelyn Sanford Suzanne G. Skarra Noah Smukler Joanne Stratton Sandra Ward Elise Wheeler Thomas Wheeler Dave Wilson Kelda Wilson Louise Yost <i>name not legible</i> <i>no signature</i>	May 6, 2002
	(This was a form letter postcard, sent by the above individuals)			
C4	Betty Smay	May 6, 2002		
C5	Krista Kiah	May 10, 2002		
C6	Robert Kiah	May 10, 2002		
C7	Mona Wahab	May 11, 2002		
C8	Carroll Busselen	May 12, 2002		
C9	Selene Anema	May 13, 2002		
C10	Lisa Thauberger	May 13, 2002		
C11	Randi Farkas	May 14, 2002		
C12	Lorraine R. Bagan	May 15, 2002		
C13	Jim & Kathy Ebrahimi	May 15, 2002		
C14	Ramona Mooney	May 15, 2002		
C15	Dr. Julian Blair	May 16, 2002		
C16	Karen Boudrie	May 16, 2002		
C17	Anne Hanson & Edward Cole	May 16, 2002		
C18	Gail M. Dubinsky, M.D.	May 16, 2002		
C19	Shauna Jacobs	May 16, 2002		
C20	Lucia B. McNally	May 16, 2002		
C21	Karen Ratzlaff	May 16, 2002		
C22	Kristi Hardin	May 17, 2002		

TABLE 2-1. COMMENTERS AND PUBLIC MEETINGS ON THE PDCP DRAFT EIR

Letter	Commenter and Agency or Organization	Date
C23	Daniel P. Neumann	May 17, 2002
C24	Helene Neumann	May 17, 2002
C25	A. L. Steele	May 17, 2002
C26	Tara Treasurefield	May 17, 2002
C27	Barbara Wilkie	May 17, 2002
C28	Bridgette Breese	May 20, 2002
C29	Nick Johnson	May 20, 2002
C30	Juleen Ross	May 20, 2002
C31	Mari Russell	May 20, 2002
C32	Anonymous	May 20, 2002
C33	Ruth E. Ayres	May 21, 2002
C34	D. Collines	May 22, 2002
C35	Nicole E. Kater	May 23, 2002
C36	Sharon Giglio	(no date on letter)
D. PUBLIC MEETINGS (TRANSCRIPTS)		
D1	Sacramento, CA	April 24, 2002
D2	Riverside, CA	April 25, 2002
D3	Napa, CA	April 29, 2002
D4	Tulare, CA	April 30, 2002
D5	San Luis Obispo, CA	May 1, 2002

3.0 MASTER RESPONSES

This chapter provides core or “master responses” to address issues of a similar nature which were raised by different commenters. These Master Responses are referenced by number in Chapter 4 in some of the responses given to specific comments.

3.1 MASTER RESPONSE I: PROGRAM-LEVEL INFORMATION VS. PROJECT-LEVEL DETAILS, INCLUDING PROGRAM DESCRIPTION, PESTICIDE SELECTION AND USE, ENVIRONMENTAL SETTING AND BASELINE, AND SUBSEQUENT ACTIVITIES

Some commenters expressed the concern that the Draft EIR is too general and lacks sufficient detail to adequately evaluate the environmental impacts of subsequent program activities and site-specific actions within the PDCP. Specifically, some commenters expressed concern that the duration of the program (i.e. time limits), treatment boundaries, and all pesticides that could potentially be used in the PDCP are not specified in the Draft EIR. Some commenters stated that the environmental setting is too broad and suggest that because the site-specific environmental setting for specific treatment areas is not identified, baseline conditions are not adequately defined.

RESPONSE

The PDCP Draft EIR is a programmatic EIR for the statewide effort to control Pierce’s disease and the glassy-winged sharpshooter. The proposed PDCP consists of a variety of inter-related components, and those components each contemplate a wide range of response efforts falling within the general outlines of the program. These activities can all be characterized as part of a large project or program to eradicate, suppress or control infestations of the glassy-winged sharpshooter and Pierce’s disease. These activities would all be carried out pursuant to the same regulatory authority, and they have similar environmental effects. Consequently, the use of a program EIR is appropriate in this case.

The PDCP Draft EIR contains an appropriate level of detail in light of the nature and breadth of the proposed PDCP. The rules governing the preparation and use of program EIRs are set forth in State CEQA Guidelines Section 15168. According to that section, a program EIR “may be prepared on a series of actions that can be characterized as one large project and are related ... (4) [a]s individual activities carried out under the same authorizing statutory or regulatory authority

and having generally similar environmental effects which can be mitigated in similar ways.” (State CEQA Guidelines, Section 15168(a))

Description of the Proposed PDCP

As a programmatic document, the PDCP Draft EIR provides an adequate description of the various components of the PDCP. The Draft EIR identifies the agencies and advisory groups involved in creating and implementing the PDCP at statewide and local levels. One implementation tool is the local PDCP workplan, which in accordance with state law (Food and Agricultural Code Section 6046(h)), shall include, but is not limited to, all of the following:

- (1) In coordination with the department [i.e., CDFA], the development and delivery of producer outreach information and training to local communities, groups, and individuals to organize their involvement with the workplan and to raise awareness regarding Pierce's disease and its vectors.
- (2) In coordination with the department, the development and delivery of ongoing training of the designated local public entity's employees in the biology, survey, and treatment of Pierce's disease and its vectors.
- (3) The identification within the designated local public entity of a local Pierce's disease coordinator.
- (4) The proposed treatment of Pierce's disease and its vectors. Treatment programs shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner.
- (5) In coordination with the department, the development and implementation of a data collection system to track and report new infestations of Pierce's disease and its vectors in a manner respectful of property and other rights of those affected.
- (6) On an annual basis, while funds appropriated by this section are available for encumbrance, the department shall review the progress of each local public entity's activities regarding Pierce's disease and its vectors and, as needed, make recommendations regarding those activities to the local public entity.

If variations from the standard workplan stipulations could cause environmental impacts beyond those evaluated in the PDCP Draft EIR, the county requesting the variations would be required to further evaluate its proposed program, consistent with the requirements of CEQA.

The PDCP is a response, or set of responses, on the part of CDFA, to a threat to the state's environment. The program is not a proposal to develop or otherwise change the existing environment. What triggers action under CDFA's PDCP to control infestations of the glassy-winged sharpshooter is the confirmation of five or more adults within any five-day period within a 300-yard radius of each other, or the presence of multiple life stages (e.g., adults, nymphs, and eggs). The PDCP includes a decision-making matrix that allows the response to be calibrated to the kind and severity of the infestation and to local conditions. Depending on nascent circumstances, the appropriate response could include regulatory activities, biological control programs, use of pesticides, removal of host plants, or research. Because it cannot be predicted how many glassy-winged sharpshooter infestations will be found in the future, how many areas would be treated with pesticides under the PDCP, or the treatment boundaries of each area, a site-specific analysis of how the program would operate in a particular location in response to particular conditions is not possible. While "location"-specific analysis is not achievable, condition analysis is, e.g., the presence of threatened or endangered species, or proximity to aquatic resources, and these conditions are considered in the Draft EIR. Similarly, because program actions are triggered by external conditions (the presence of the glassy-winged sharpshooter and/or Pierce's disease), the extent and duration of the program cannot be specifically defined.

The program description in the Draft EIR is sufficient to apprise the public of the broad program and its potential for impacts and the kinds of specific projects which may be undertaken if circumstances warrant. Some site-specific examples are provided in the Draft EIR to help clarify certain issues or provide a perspective of the relative impacts, but the EIR does not, nor is it required to, provide information about all possible sites. The discussions and analysis in the Draft EIR must be broad enough to accommodate all PDCP activities statewide.

Pesticide Selection and Use

Some commenters expressed concern that the Draft EIR did not identify or analyze all possible pesticides that could be used as part of the program. The PDCP would use registered pesticides approved for use by the U.S. Environmental Protection Agency (U.S. EPA) and the California Department of Pesticide Regulation (CDPR) for the habitats in which they would be used. CDFA has evaluated a number of registered pesticides suitable for use in the rapid response element of the program. Criteria for selection of specific materials are discussed in the Draft EIR. Figure 4-4 on page 4-33 of the Draft EIR contains a flowchart outlining CDFA's treatment selection process. Appendix Q identifies the insecticides that were reviewed by CDFA for potential use in the PDCP

and lists those materials that meet the program's treatment selection criteria and could be considered for use in residential/urban settings in the PDCP.

The Draft EIR also provides specific information about materials that have been used under the emergency program (carbaryl, imidacloprid, and cyfluthrin) because those would most likely continue to be used as the primary pesticides for the rapid response program. Tables 4-2 through 4-5 of the Draft EIR provide the PDCP frequency and timing of applications for those active ingredients. An evaluation of the active ingredients, a discussion of inert ingredients, a list of product labels, and general information about the materials that have been used under the emergency program, are provided in the Draft EIR and its appendices. The discussions are focused on the materials as they may be used in the PDCP, and are not intended to be comprehensive reviews of hazards that may be associated with other applications. The descriptions of the pesticides are based on evaluations completed by the U.S. EPA and CDPR.

The list of pesticides in the Draft EIR is for informational purposes. As stated in chapter 4 of the Draft EIR, the list is not inclusive of all materials that may be used, nor would all materials listed necessarily be used by the PDCP. The Draft EIR presents as much information about potential materials as can reasonably be done in this program-level discussion. As new information about the effectiveness of different pesticides against the glassy-winged sharpshooter becomes available, other registered pesticides may also be used. The program concern is limited to environmental impacts that may evolve from program applications rather than general risk evaluation of the products which have other applications as well. The PDCP bases its assessment of potential environmental impacts on hazard assessments provided by expert government regulatory agencies as discussed in Appendix P of the Draft EIR.

There is no specific product list from which a selection may be made. Products must be registered and approved for the purposes specified in the Draft EIR, and be likely to achieve success in the program. A material is selected for use based on superior or advantageous properties favorable to the program. By law, use of these materials must comply with all pesticide regulatory requirements, including satisfactory toxicity evaluations with reasonable certainty of no harm under proposed use conditions. The pesticide registration process takes into account public health and environmental effects associated with applying a pesticide in the manner prescribed. Compliance with label instructions would therefore address potential environmental effects associated with pesticide use.

Environmental Setting and Baseline

To ensure an adequate assessment of potential environmental impacts associated with the PDCP, the Draft EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced, from both a local and a regional perspective (State CEQA Guidelines, Section 15125).

PDCP activities could occur in all areas of the state where Pierce's disease and/or the glassy-winged sharpshooter could cause damage. As set forth in the Draft EIR, the glassy-winged sharpshooter resides in a wide range of habitats including agricultural crops, ornamentals, woodlands, and riparian vegetation. The glassy-winged sharpshooter is reported to feed and reproduce on over 700 plant species. The *Vitis vinifera* grape varieties grown commercially in California are susceptible to Pierce's disease. Because of the diversity and abundance of glassy-winged sharpshooter host plants in California, the glassy-winged sharpshooter may be found in nearly every area of the state. In fact, only nine counties are believed to not be at risk of becoming infested with glassy-winged sharpshooter due to unsuitable environments. Counties in which PDCP activities could take place are counties identified as having host plants potentially susceptible to Pierce's disease, and all areas capable of supporting the glassy-winged sharpshooter. In non-agricultural areas, PDCP control measures could be necessary in a variety of habitats, including residential areas, commercial and industrial areas, and public land.

Because of these factors, the state as a whole was chosen as the "environmental setting." The discussion of the setting is augmented by the appendices, which provide a list of glassy-winged sharpshooter host plants and a discussion of potential impacts of the glassy-winged sharpshooter in select California counties.

The described setting does not exclude any part of the state where glassy-winged sharpshooter may appear. However, the Draft EIR explains the conditions in which infestations of glassy-winged sharpshooter are most likely to appear and to be propagated. Text, tables, and maps within the Draft EIR and the appendices indicate the glassy-winged sharpshooter's preferred host plants, and identify the areas within California that are generally infested with the glassy-winged sharpshooter, have limited infestations, or are counties at risk. The Draft EIR also states that the goal of local programs in southern California, where the glassy-winged sharpshooter is well established, is

containment rather than eradication. The most likely areas for future eradication projects are those areas not generally infested with the glassy-winged sharpshooter.

The Draft EIR describes specific environmental characteristics that could require localized project-specific decisions. The Draft EIR addresses these characteristics as specific variables within the state, and describes the safeguards to be employed when specific characteristics are encountered within a project area.

Chapter 4 of the Draft EIR (Program Description) describes those factors in any environmental setting that would affect the kind of treatment response chosen and how they would be integrated into the PDCP decision-making process. Where these environmental factors are present, certain steps would be followed, and these are all specified as part of the program, either as safeguards or as factors in selecting the appropriate response. If a new glassy-winged sharpshooter infestation is found outside of a nursery or shipment situation and treatment is planned, CDFA would notify the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS) and, where applicable, the National Marine Fisheries Service (NMFS). CDFA would work with these resource agencies to minimize adverse impacts to threatened and endangered species, and species of concern (see pages 4-24 and 4-25 of the Draft EIR).

Other factors that would cause a change in response are shown in Figure 4-3 of the Draft EIR. In addition, pesticide labels may restrict the use of the material on certain habitats (e.g., bodies of water and riparian or aquatic habitat), or during certain weather and wind conditions to reduce potential environmental impacts. Other environmental factors such as topography generally do not affect the response chosen.

Due to the nature of the PDCP, and the wide geographic range within which program activities would occur, CDFA cannot specify in advance the precise environmental setting of any subsequent treatment area or other control project or how specific factors in that environment might be affected by, and affect, the project. The site-specific conditions present in a particular location (such as humans, animals, food crop hosts, aquatic or riparian habitats, and sensitive species) would affect the manner in which PDCP activities are carried out, as explained in the Draft EIR.

The Lead Agency has discretion to determine the proper “baseline,” which normally consists of the current environmental setting at the time of the Notice of Preparation. In the Draft EIR, the

impacts of the PDCP are measured against that baseline. CEQA expressly authorizes this approach (State CEQA Guidelines, Section 15125; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270). Due to the nature of the PDCP, CDFA properly selected the state of California as the environmental setting and baseline, and therefore provided a means for adequate discussion of potential impacts (See State CEQA Guidelines, Section 15125).

Subsequent Activities

As required by CEQA, subsequent activities carried out pursuant to the PDCP would be reviewed to determine whether additional environmental analysis must be performed (State CEQA Guidelines, Section 15168 (c)). If the subsequent activity will have impacts that were not analyzed in the PDCP Draft EIR, then the agency proposing to carry out that activity would have to prepare an initial study analyzing those impacts (State CEQA Guidelines, Section 15168(c)(1)).

If the agency finds, however, that the activity falls within the scope of activities set forth in the PDCP Draft EIR, and that no new impacts would occur and no new mitigation measures would be required, then the agency can approve the activity as falling within the scope of the program evaluated in the PDCP (State CEQA Guidelines, Section 15168(c)(2)). Under CEQA, additional analyses need not be prepared for site-specific projects unless CDFA or the implementing county determines that (i) substantial changes in the project or variations in a county's work plan are proposed that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes occur with respect to the circumstances under which the project is undertaken that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) significant new information shows a need for additional analysis and disclosure of the environmental impacts of the program (CEQA Guidelines, Section 15162). Under such circumstances, the agency will have to incorporate feasible safeguards and alternatives approved as part of the PDCP into the subsequent activity (CEQA Guidelines, Section 15168(c)(3)).

Some commenters expressed a concern that the Draft EIR does not contain performance standards or objectives that can be translated into site-specific mitigation measures. As a programmatic-level document, the Draft EIR does not analyze site-specific impacts of future activities at specific locations. Rather, the Draft EIR describes generally the sorts of impacts that may occur, and describes the decision-making process that would be followed to avoid such impacts.

Some commenters stated that the PDCP Draft EIR is inadequate because it does not include a checklist or similar device for use by agricultural commissioners to determine whether a proposed activity falls within the scope of the PDCP EIR. The State CEQA Guidelines encourage, but do not require, the use of a checklist or similar device (State CEQA Guidelines, Section 15168(c)(4)). The PDCP Draft EIR contains detailed figures setting forth the decision process for pesticide treatment response, and for CDFA's treatment selection process. (See PDCP Draft EIR, Figures 4-3, 4-4.)

3.2 MASTER RESPONSE 2: POTENTIAL FOR SIGNIFICANT ADVERSE EFFECTS FROM PESTICIDE USE IN THE PROPOSED PROGRAM; ADEQUACY OF STUDIES AVAILABLE ON PESTICIDES; RELIABILITY AND SOUNDNESS OF RISK ASSESSMENT METHODS AND THE PESTICIDE REGISTRATION PROCESS

Some commenters expressed concern that the use of pesticides in the PDCP could result in significant adverse effects on human health and the environment. Some commenters stated that the Draft EIR improperly relied on pesticide registration to determine that the program's impacts are less than significant. Some state that the risk assessment methods used during the pesticide registration process are not sufficient. Some commenters cite "data" gaps and scientific uncertainty in the pesticide product registration process. Some commenters indicate concern over a lack of testing of inert ingredients. Some commenters state that when data are equivocal or when uncertainty exists, the program must be conservative, and as such, conventional pesticides should not be used.

RESPONSE

In accordance with CEQA, prior to concluding that the health effects of various pesticide treatments would be less than significant, the PDCP Draft EIR provides extensive discussion regarding this area of concern. The Draft EIR takes into account two primary considerations:

- (1) Will the environment be adversely impacted as a consequence of the activities of the PDCP?
- (2) Will public health be adversely impacted as a consequence of PDCP operations?

In California, evaluation and enforcement of pesticide products and use regulations is under the jurisdiction of the U.S. EPA and the CDPR. Information concerning pesticide registration procedures is provided in the Draft EIR.

Under the proposed PDCP, pesticides would be used to meet regulatory requirements for the shipment of agricultural commodities and during rapid response. Federal and state regulations impose requirements on the registration and use of pesticides; federal, state, and local agencies enforce these requirements. The U.S. EPA regulates pesticides under three major statutes: the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Food Quality Protection Act (FQPA). FIFRA requires that pesticides be registered before they can be sold or distributed for use in the United States. The FQPA was signed in 1996 to amend both FIFRA and FFDCA and to strengthen the U.S. pesticide regulatory system. FQPA requirements include a new safety standard - reasonable certainty of no harm - that must be applied to all pesticides used on foods.¹ The U.S. EPA requires extensive data as part of its pesticide review and approval process, requiring more than 120 studies before granting a registration for most pesticides used in food production. California state programs closely parallel federal programs; however, California's data requirements are stricter than those of the federal government.

The California Food and Agricultural Code (FAC) requires that pesticides be thoroughly evaluated and registered by CDPR before they are sold or used in California. During the pesticide registration process, a pesticide's persistence in the environment and whether or not it accumulates in the human body are considered in assessing potential human health impacts. CDPR considers the toxic properties of a chemical and estimates the amount of the chemical that could potentially cause an adverse effect. CDPR may refuse to register any pesticide that has serious uncontrollable adverse effects, or that when properly used is detrimental to vegetation, domestic animals, or to public health and safety. A final decision to register or to deny registration is reached after providing an opportunity, through public notice, for any interested party to comment on the proposed registration decision. In sum, the U.S. EPA and CDPR evaluate pesticides for potential effects on human health prior to registration, and require appropriate use restrictions be present on pesticide product labels to ensure a reasonable certainty of no harm to human health and the

¹ U.S. EPA 2002. Website: The Food Quality Protection Act (FQPA) Background, <http://www.epa.gov/oppopsps1/fqpa/>, website accessed October 16, 2002.

environment. The pesticide regulatory program is similar to CEQA review. As set forth in the State CEQA Guidelines Section 15251(i), the program has been certified by the Secretary of Resources as meeting the requirements of CEQA.

The PDCP, by law, is required to comply with the regulatory decisions issued by the U.S. EPA and CDPR based on their expert analysis, interpretation, and evaluation of pesticide testing data. The PDCP has no responsibility or authority for product testing. The PDCP is a user of registered pesticide products. As stated on page 5.2-14 of the Draft EIR, the U.S. EPA and CDPR evaluate pesticides for potential effects on human health prior to registration and require appropriate use restrictions be present on pesticide product labels to ensure a reasonable certainty of no harm to human health and the environment. CDFA is required to adhere to the program as certified by the Secretary of Resources. Comments concerning decisions of those agencies as to adequacy of the established limits are outside the scope of the EIR's analysis.

The required scope of the Draft EIR is limited to examination of potential environmental impacts specific to the program. The pesticide risk analysis provided in the Draft EIR relies on conclusions reached by the U.S. EPA and CDPR with respect to hazard identification, dose-response assessment, and risk characterization. These elements of risk assessment remain constant, inasmuch as they are inherent properties of a material. Exposure potential is the element within the classic scheme of a chemical risk assessment that could vary in association with a specific use pattern. For the PDCP, the Draft EIR addresses the nature of exposure to pesticides as a consequence of the PDCP program, and whether exposures would exceed limits established by U.S. EPA and CDPR deemed adequately protective of the environment and human health. Compliance with standards is a legitimate basis for establishing thresholds under CEQA. Any disagreement as to the adequacy of the established and approved exposure limits is outside the scope of the EIR analysis. A "comprehensive" evaluation of each material's toxicity at amounts not encountered as a consequence of the PDCP is outside the scope of the EIR.

It is important to keep in mind that exposure limits set by regulatory agencies are based on assumptions of lifetime daily exposure, and include a margin of uncertainty for protecting persons who may be more fragile than the population average. This includes children, the elderly, and persons with coincidental adverse health conditions. A discussion of the procedure used by the U.S. EPA to establish exposure limits is included in Appendix P of the Draft EIR. The Draft EIR notes that pesticide exposures consequential to the PDCP are within bounds set by the CDPR and

U.S. EPA. PDCP treatments take place only a few days at any location in any given season. Thus, a very large exposure margin exists between what has been determined to be adequately protective of health and what may actually occur as a result of pesticide treatments for the PDCP.

3.3 MASTER RESPONSE 3: IMPACTS TO PERSONS SAID TO HAVE MULTIPLE CHEMICAL SENSITIVITY OR TO BE OTHERWISE ESPECIALLY SENSITIVE TO PESTICIDES

Some commenters expressed the concern that the use of pesticides in the PDCP has the potential to, at very low doses, adversely impact persons said to be sensitive to pesticides. Some stated that this effect on such populations would violate the Americans with Disabilities Act (ADA) requirements for safe paths of travel, and thus also result in a division of the community. Some commenters suggest that CDFA should provide housing for persons said to have chemical sensitivity, whose property would be treated with conventional pesticides as part of the PDCP. Some stated that the risks to such persons are so great that they outweigh the benefits of the program.

RESPONSE

The issue of individuals identified as chemically sensitive is recognized in the Draft EIR. The medical controversy surrounding the diagnoses of “multiple chemical sensitivity,” “chemical injury,” “environmental illness,” and similar designations, has undergone extensive debate within the medical community. The Draft EIR acknowledges the existing impasse. Although advocates strongly support a relationship between myriad symptoms and exposure to trivial amounts of multiple chemicals, the overwhelming consensus of the medical community that has examined the issue is that no physiologic link has been demonstrated to support a connection between reported symptoms and pharmacologic or immunological responses. As noted in Appendix P of the Draft EIR, there is no established mechanism or measurable biological marker that distinguishes a specific biological “condition,” or abnormality. The diagnosis of chemical sensitivity is subjective. Chemical toxicity is not demonstrated, nor is immunologic response (or lack of response) demonstrated. The consensus of the medical community is that a relationship between trivial exposures to chemicals and catastrophic consequences is not scientifically supported. A separate population is not recognized as being “at risk.”

All people who may be exposed to pesticide residues in association with the program are included in the impact analysis. Chapter 5.2 of the Draft EIR describes the potential hazards associated with the use of pesticides in the proposed program. A discussion of pesticide use in and around fragile populations, including individuals identified as chemically sensitive, is provided on page 5.2-17 of the Draft EIR. As indicated, the potential for health hazards to fragile populations would be less than significant.

Legal review has found that the PDCP is not in violation of the Americans with Disabilities Act (ADA). As indicated in the Draft EIR, pretreatment notification activities would be conducted in non-agricultural areas prior to treatment application. These activities include pretreatment notification of occupants of properties to be treated, as well as of adjacent properties. For more information, see pages 4-14, 4-35, A-7, A-12, and G-6 of the Draft EIR. Residents and other site occupants would be advised to avoid treated areas until re-entry conditions are met (typically two hours). The advance notice would allow those who desire, or feel the need to avoid all chemical exposure, to leave the area. A demonstrated medical need to evacuate people from the treatment area has not been established. The conclusions presented in the Draft EIR with respect to fragile populations reflect the majority medical consensus. For these reasons, no mitigation measures, including relocation of people, are deemed necessary. Consequently, the Draft EIR did not evaluate the potential environmental impacts from the construction of housing or the potential division of a community resulting from relocation. In regards to providing personal devices or substitute housing for people who feel uniquely sensitive to pesticides, these measures are not necessary and are not required by the ADA.

Commenters raising the issue of multiple chemical sensitivity have suggested that CDFA either not use pesticides on non-agricultural lands or not use pesticides at all. In the Draft EIR, CDFA has analyzed four alternatives, including alternatives that would not include the use of pesticides as proposed in the PDCP. CDFA has determined that none of those alternatives would meet the goals of the PDCP. Therefore, CDFA could not make these suggested modifications to the practices, program, procedures, or policy without fundamentally altering the nature of the program. Consequently, even if all other requirements for an ADA complaint had been satisfied, the suggested modification of the PDCP to not include the use of pesticides is not feasible and therefore not a reasonable alternative to the program proposed.

3.4 MASTER RESPONSE 4: COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT DURING THE DRAFT EIR REVIEW PROCESS

Some commenters expressed the opinion that the PDCP Draft EIR public review process was in violation of the Americans with Disabilities Act (ADA). The following reasons were given to support this belief: (1) the public meetings to receive comments on the Draft EIR did not meet the state conditions to display the voluntary “Cleaner Air” sign; (2) some people stated they were not able to read the document because they were sensitive to the inks used in the printing process; (3) people who feel sensitive to chemicals needed additional time to review the Draft EIR.

RESPONSE

CDFA is in full compliance with the Americans with Disabilities Act (ADA) and makes every effort to ensure that facilities utilized by CDFA for public meetings meet the established ADA guidelines. It is the general policy of CDFA, when announcing meetings or when requesting comments from the public, to make individuals with disabilities aware of whom to contact for the specific accommodation needed by that individual in order to have access to what is being communicated. It is incumbent upon those persons needing accommodation to inform the entity conducting the gathering or meeting that an accommodation is needed and what that accommodation needs to be.

Although not required by CEQA, CDFA conducted five public meetings in various regions of the state to accept public comments on the Draft EIR. Opportunity was also given for written comments to be submitted. The address to send written comments was provided in the Draft EIR and the Notice of Availability. The circulation period for the Draft EIR was 50 days, which exceeded CEQA’s minimum 45-day requirement, so the public had more than the legally required opportunity to submit comments on the Draft EIR.

At each public meeting, areas were posted and set aside as fragrance-free zones. A statement was also included on the PDCP website requesting that attendees refrain from wearing perfumes, colognes, or other scented personal care products in consideration of other attendees. In addition, CDFA staff worked with appropriate vendors to prevent scented, deodorizing, or cleaning chemicals from being used in the meeting rooms immediately prior to the public meetings. Even though CDFA made efforts to provide fragrance-free zones at the public meetings, the voluntary “Cleaner Air” symbol was not displayed at the meetings. Use of the state-designated “Cleaner Air”

symbol is voluntary and requires that rigorous standards be met (California Code of Regulations (CCR) Title 24, Part 2, Chapter 11B, Section 1117B.5.12).

CDFA has met CEQA requirements for noticing and distribution of the Draft EIR. Approximately 1,000 copies of the Draft EIR were distributed on March 29, 2002. Electronic copies of the Draft EIR on compact disk (CD) were provided to interested parties upon request. When requests for accommodation were received, CDFA made every reasonable effort to provide the requested accommodation to ensure that all interested parties had access to the information being communicated.

CDFA conducted the public review such that reasonable accommodations were provided to those who asserted chemical sensitivities and ensured that all persons had meaningful access to review the Draft EIR.

3.5 MASTER RESPONSE 5: BIOACCUMULATION OF PESTICIDES

Some commenters expressed concern that the effects of bioaccumulation of pesticides in the food chain are not adequately analyzed in the Draft EIR. Bioaccumulation of pesticides in fish is specifically cited as a concern.

RESPONSE

Bioaccumulation means an increase in the concentration of a chemical in a biological organism over time, compared to the chemical's concentration in the environment. Compounds accumulate in living things anytime they are taken up and stored faster than they are broken down (metabolized) or excreted (EXTOXNET, ace.orst.edu/info/extoxnet/tibs/bioaccum.).

Bioaccumulation is one factor included in the analysis to determine if a pesticide is "more toxic or harmful to the environment than carbaryl" (Draft EIR, page Q-3) and would either disqualify its use in the PDCP or limit its use to special circumstances. Cyfluthrin has been identified as having the potential to bioaccumulate in fish under certain test conditions (U.S. EPA Fact Sheet Number 164; Cyfluthrin; December 30, 1987). However, use of this material in the PDCP would not present a risk of bioaccumulation because cyfluthrin would not be applied to water, nor in a manner that would lead to drift or run-off into water bodies. The PDCP avoids potential adverse effects by following label restrictions on pesticide use and through consultations with CDFG and USFWS

(see Appendix L of the Draft EIR.) Pesticide application requirements vary; however, they do not allow direct application to water if there are potentially significant water quality impacts or impacts to aquatic organisms associated with applications to water.

3.6 MASTER RESPONSE 6: CUMULATIVE IMPACTS

Some commenters expressed the concern that cumulative impacts of the PDCP's use of pesticides are not adequately analyzed in the Draft EIR. Commenters specifically noted the potential interaction of different chemicals when used in combination or when a pesticide is applied to an area where other pesticides have been applied previously. Some commenters noted that there is no requirement for CDPR to address cumulative effects in the pesticide registration process, and thus they believe the cumulative impacts of pesticide use by the PDCP are not adequately analyzed in the Draft EIR. Other commenters expressed the opinion that there is enough pesticide use in California already and that any additional use of pesticides by the PDCP would result in an adverse cumulative impact.

RESPONSE

Chapter 7 of the Draft EIR evaluates the potential cumulative effects of the proposed PDCP, including exposure to multiple applications of one pesticide and exposure to multiple pesticides in combination. Information is also provided on the analysis conducted during the CDPR pesticide registration process, label restrictions on use of pesticide products, federal and state laws and regulations in place to ensure that human exposure to multiple pesticides would not result in adverse human health impacts, and CDPR statewide and PDCP-specific monitoring programs.

As discussed in the Draft EIR, the use of pesticide chemicals by the PDCP does not constitute a considerable contribution to a significant, cumulative environmental effect. Pesticides selected by the PDCP are all commonly used in a variety of circumstances, and they all must be used in accordance with established label restrictions intended to protect human health and the environment. When used according to their label restrictions, significant adverse environmental and health effects are avoided. For the PDCP, the EIR addresses the nature of exposure to pesticides as a consequence of the PDCP program, and whether exposures would exceed limits established by U.S. EPA and CDPR as adequately protective of the environment and human health. Any disagreement as to the adequacy of the established and approved uses and exposure limits is

outside the scope of the PDCP analysis. Therefore, as long as the products are used within the limits established by the label, the environment and human health would be adequately protected from significant effects.

It is important to keep in mind that exposure limits set by regulatory agencies are based on assumptions of lifetime daily exposure, and include a margin of uncertainty for protecting persons who may be more fragile than the population average. This includes children, the elderly, and persons with incidental adverse health conditions. A discussion of the procedure used by the U.S. EPA to establish exposure limits is included in Appendix P of the Draft EIR. The Draft EIR notes that pesticide exposures consequential to the PDCP are within bounds set by the U.S. EPA. PDCP treatments take place only a few days at any location in any given season. Thus, a very large exposure margin exists between what has been determined to be adequately protective of health and what may actually occur as a result of pesticide treatments for the PDCP.

As stated in Chapter 7 of the Draft EIR, the U.S. EPA and CDPR also consider potential incompatibilities with other chemicals when evaluating a pesticide proposed for registration. If an incompatibility is found, restrictions are placed on the pesticide label to ensure the pesticide, in combination with other pesticides, would be used safely. Label restrictions can include avoiding mixing a pesticide with an incompatible chemical, or avoiding application of a pesticide on areas where an incompatible chemical has been used previously. CDPR is not required to, nor is it feasible to, analyze the many possible combinations of a product's use with past, present, and anticipated future projects, including the product's use in combination with all other pesticides products. CDPR analyzes the hazardous properties of a chemical during the pesticide registration process, and sets appropriate restrictions for the use of the product. The PDCP's use of pesticides in combination with the use of pesticides by others is analyzed in the Draft EIR.

There are no demonstrated cumulative or synergistic effects associated with the use of pesticide chemicals as part of the PDCP (Appendix P of the Draft EIR). Science has observed that the action of some chemicals may be impacted or modified when another chemical is also present. Actions may be enhanced, either in an additive way, i.e., the total action is the sum of each chemical's action; or synergistic, where the total action is greater than the sum of the action of each chemical; or actions may be diminished; or actions may be modified such that an entirely different action is seen. There is no evidence that the chemical pesticides available for use in the PDCP program are

known to exhibit extraordinary interactions in combination with other chemicals, and in particular with other pesticides used in the PDCP.

3.7 MASTER RESPONSE 7: ALTERNATIVES

Some commenters requested that CDFA consider a program alternative that avoids the use of conventional pesticides to control glassy-winged sharpshooter infestations. Some commenters expressed the opinion that the alternatives did not adequately analyze the effectiveness of alternative control methods in controlling the glassy-winged sharpshooter when used in combination with one another. Some commenters also requested that CDFA consider an alternative that requires the use of alternative control methods around areas where fragile persons may gather (e.g., schools, day care centers, elderly centers, medical clinics) and for residents who do not want conventional pesticides used on their property.

RESPONSE

The State CEQA Guidelines require the description and comparative analysis of a range of reasonable alternatives that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects (State CEQA Guidelines Section 15126.6(c)). Chapter 8 of the Draft EIR describes methods other than the use of conventional pesticides for controlling the spread of the glassy-winged sharpshooter and the bacterium that causes Pierce’s disease. Each method is discussed along with an evaluation of its possible effectiveness, strengths, and weaknesses and the potential environmental impacts of its use. (These methods are referred to as “alternative control methods” in this response.) In addition, CDFA has examined four program alternatives that use different combinations of control methods to slow the spread of the glassy-winged sharpshooter and Pierce’s disease.

As required by CEQA, an analysis of alternatives is included in the Draft EIR. This serves to inform the public and decision-makers of project alternatives that could be implemented and the positive and negative aspects of those alternatives. CDFA evaluated several ways that would avoid or minimize the use of conventional pesticides in the analysis of the No Project Alternative and Alternatives A, B, and C. These evaluated programs that (A) avoid the use of conventional pesticides by not taking any action against glassy-winged sharpshooter infestations, (B) avoid the use of conventional pesticides for treating infestations found on non-agricultural lands by not

taking any action against the glassy-winged sharpshooter on non-agricultural lands outside of the generally-infested area, and (C) avoid the use of conventional pesticides for treating infestations found on non-agricultural lands by treating infestations with naturally-occurring pesticides or with non-pesticide options, including biological control or physical controls. The PDCP's use of pesticides would also be avoided under the No Project Alternative.

CDFA also considered an alternative to regulate the movement of commodities that may carry the glassy-winged sharpshooter and treat new glassy-winged sharpshooter infestations using only organic or biological control methods. This alternative was considered but withdrawn from detailed evaluation because the alternative is not feasible from a practical or legal standpoint. It is infeasible because there is no legal mechanism to prevent growers from using registered pesticides on their crops.

As described in Chapter 8, the alternatives would not provide effective control of the glassy-winged sharpshooter and would not meet the program goal of minimizing the statewide impact of Pierce's disease. Based on the available information, the PDCP is the environmentally superior alternative that meets the program goals.

Alternative Control Methods Used in Combination

Some commenters expressed concern that during the alternatives analysis CDFA did not adequately analyze the effectiveness of alternative control methods used in combination with one another. While the efficacy of the alternative control methods were analyzed "in isolation" from one another in Section 8.1, the relative effectiveness of the alternative control methods, when used in combination, was taken into consideration during the analysis for Alternative C. The evaluation included analysis of the potential cumulative ability of these methods to control the glassy-winged sharpshooter and analysis of how the control methods in combination could reduce the possible effects of conventional pesticides.

Alternative C, which specifies that conventional pesticides not be used in non-agricultural areas, does not allow sufficient flexibility for choosing an adequate control method to ensure that the spread and impacts due to the glassy-winged sharpshooter would be minimized. An across-the-board program specification for type of control method to use (or restriction thereof), could result in the use of methods, separately or in combination, that are known to be less effective against the glassy-winged sharpshooter and would result in an increase in glassy-winged sharpshooter

infestations. As stated in the Draft EIR, for this reason, Alternative C would not meet the goal of the program.

Suggested Required Use of Alternative Control Methods

Some commenters requested that CDFA consider an alternative that requires the use of alternative control methods around sensitive persons or others who do not want conventional pesticides used on their properties. Commenters have suggested that by allowing the use of conventional pesticides in most non-agricultural areas but only using alternative control methods around fragile populations and locations, that although alternative control methods may be less effective against the glassy-winged sharpshooter, the alternative methods would be used in only a few places and would slow the spread of the glassy-winged sharpshooter, so this suggested alternative would not reduce the program's overall effectiveness.

In practice, restrictions on the type of control method that could be used in any particular area does not allow sufficient flexibility for choosing an adequate control method to ensure that the spread of the glassy-winged sharpshooter and Pierce's disease would be minimized. Because glassy-winged sharpshooters are prolific and disperse rapidly, county agricultural commissioners must act quickly to control a new infestation. The use of less-effective control methods could result in glassy-winged sharpshooters continuing to breed on the property with the treatment restriction, preventing full eradication or effective suppression of the sharpshooter population. Properties surrounding an infested property would be constantly reinfested. The suggested alternative would result in an increase in glassy-winged sharpshooter infestations, and thus an increase in the use of conventional pesticides.

Proposed PDCP

It should be reiterated during this discussion of alternatives that the proposed PDCP evaluated in the Draft EIR would include the use of alternative control methods and preventative methods to reduce the need for treatment. The proposed PDCP would be a calibrated response to particular conditions, rather than a “one-size fits all” approach.

The proposed PDCP has five central elements: public outreach, statewide survey, contain the spread, rapid response, and research (see Chapter 4 of the Draft EIR). All components of the PDCP work together to control the spread of the sharpshooter and minimize the impact of Pierce's

disease across the state. The public outreach and statewide survey components help CDFA identify new glassy-winged sharpshooter infestations quickly so that control efforts may be initiated when the infestation area is smaller in size, thereby minimizing the area to be treated. In addition, during rapid response to an infestation, the PDCP may incorporate methods of control other than the use of conventional pesticides if it is shown that the methods would be effective in the particular environment of the glassy-winged sharpshooter infestation. The choice of control methods is based on the conditions encountered.

As part of the PDCP research component, CDFA is continually evaluating the efficacy of methods to control the glassy-winged sharpshooter. As stated on page 8-2 of the Draft EIR, should one or more of the alternative control methods being studied in the research component prove effective at significantly lowering glassy-winged sharpshooter numbers, their use could be incorporated into the PDCP in the future. If a new method is added to the PDCP in the future, additional environmental review would be conducted if significant new environmental impacts are anticipated.

3.8 MASTER RESPONSE 8: EMERGENCY STATUS

Some commenters questioned whether the effects of Pierce's disease and the glassy-winged sharpshooter were severe enough to constitute an emergency and warrant a statewide control program. Some commenters expressed concern that the proposed PDCP is "based on a hurry-up emergency mindset."

RESPONSE

As stated in Chapter 1 of the Draft EIR, the proposed program evaluated in the EIR would be an extension of an ongoing emergency program and regulations mandated by the California State Legislature to control Pierce's disease and the glassy-winged sharpshooter. The status of the emergency does not affect the analysis conducted in the Draft EIR.

The Pierce's disease situation in California prompted emergency action at local, state, and federal government levels. In August 1999, the County of Riverside declared a local emergency because of the damage occurring in Temecula. In May 2000, Senate Bill 671 was passed as an urgency measure, declaring that Pierce's disease and its vectors presented a clear and present danger to the

state. In June/July 2000, a federal emergency was declared. Additional urgency legislation has been passed in California to address Pierce's disease, including Assembly Bill 1232 (approved October 1999), Assembly Bill 1394 (approved July 2001), and Senate Bill 594 (approved October 2001). These and other actions clearly demonstrate that the situation has been determined to be an emergency. While Pierce's disease has been present in California for over 100 years, the glassy-winged sharpshooter has not, and it is the sudden appearance of this prolific and aggressive new vector of *Xylella fastidiosa* that has created the emergency. See pages 1-2, 2-1, 3-1, 4-6, 8-17, and 8-20 of the Draft EIR for more information.

The Draft EIR provides a description of the threat to California's agriculture and environment from the spread of the glassy-winged sharpshooter and Pierce's disease. For a description of the loss of grapevines from Pierce's disease transmitted by the glassy-winged sharpshooter in Temecula see pages 1-2, 3-21, 3-22, 8-4, and 8-5 of the Draft EIR. A description of the glassy-winged sharpshooter characteristics that give it the potential to dramatically increase the severity of Pierce's disease and other plant diseases in California is provided in Chapter 3 of the Draft EIR. Contrary to a statement made that the proposed PDCP is "based on a hurry-up emergency mindset," the proposed program is actually the culmination of experience and knowledge gained during the emergency program. In addition, CDFA has years of pest management experience and staff expertise. As such, the proposed PDCP includes a combination of approaches to effectively control Pierce's disease and the glassy-winged sharpshooter. As stated in the Draft EIR, the PDCP is the environmentally superior alternative that meets the program goal of minimizing the statewide impact of Pierce's disease.

3.9 MASTER RESPONSE 9: REQUESTS FOR INFORMATION PURSUANT TO THE FREEDOM OF INFORMATION ACT AND PUBLIC RECORDS ACT

Some commenters submitted questions and requests for information pursuant to the "Freedom of Information Act" or "Public Records Act."

RESPONSE

The federal Freedom of Information Act (FOIA) applies to federal agencies, not state agencies. Since California's Public Records Act is based on the FOIA, it is assumed that the commenters meant to reference the California Public Records Act when submitting their requests.

The California Public Records Act (PRA) is a vehicle for the public to request to view or obtain copies of public documents held by government agencies. The PRA is not a vehicle for submission of questions to a public agency, nor does the PRA mandate that public agencies create documents or conduct analyses. Submission of PRA requests within the context of commenting on the Draft EIR is confusing and is not encouraged. CEQA does not require response to PRA requests in the Final EIR. Nevertheless, to the best of its ability, CDFA has responded as appropriate to submitted PRA requests.

3.10 MASTER RESPONSE 10: ECONOMIC AND SOCIAL EFFECTS AND EFFECTS ON ORGANIC GROWERS

Some commenters requested analysis of specific economic or social effects of the PDCP, including loss of organic crops and loss of certification of organic farms.

RESPONSE

The Draft EIR was prepared to provide an environmental assessment of the proposed PDCP. As stated on page 5.1-1 of the Draft EIR, the State CEQA Guidelines direct that economic or social effects of a project not be treated as significant effects on the environment (State CEQA Guidelines Section 15131(a)). Although economic and social effects are not defined as environmental issues, they are to be considered by public agencies when considering whether or not to approve a proposed project (refer to State CEQA Guidelines Section 15093(a)). Thus, discussions of economic and social effects are contained in the Draft EIR to provide information to the community and decision-makers. Although implementation of the PDCP could potentially result in the disruption of pest management programs and the temporary withdrawal of organic certification for growers, this would be an economic effect. No significant environmental impacts are anticipated from this change.

It should be noted that regulations adopted by California and the federal government, pertaining to organic farming give special consideration to situations where a regulatory agency requires that an organic farm be treated with a material not approved for organic farming. As indicated on page 5.1-10 of the Draft EIR, “when a prohibited substance is applied to a certified operation due to a federal or state emergency pest or disease treatment program and the certified operation otherwise meets the requirements of this [program], the certification status of the operation shall not be

affected as a result of the application of the prohibited substance, provided that: (a) any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a federal or state emergency pest or disease program [and resultant residues are more than 5% of the U.S. EPA crop tolerances] cannot be sold, labeled, or represented as organically produced.” This regulation was permanently adopted and became effective on October 21, 2002. When also considering that the program workplans give the county agricultural commissioners options in treatment of glassy-winged sharpshooter infestations when specific issues arise, the potential for loss of certification is considered to be remote. For these same reasons, it would be unlikely that organic farms would be forced to convert to nonorganic status or other uses as a result of the PDCP.

Appendix B of the Draft EIR provides a general discussion and broad overview of the potential economic impacts in California if the glassy-winged sharpshooter were allowed to spread throughout California. Specific economic impact analysis requested by the commenters is not required by CEQA and is not provided in the Draft EIR.

3.11 MASTER RESPONSE II: ADEQUACY OF ANALYSIS IN THE DRAFT EIR

Some commenters questioned CDFA’s conclusion in the Draft EIR that all of the potential environmental impacts of the PDCP would be less than significant.

RESPONSE

According to CEQA, a significant effect on the environment is “a substantial, or potentially substantial, adverse change in the environment” (Public Resources Code Section 21068). This term is further defined in the State CEQA Guidelines to mean “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project” (State CEQA Guidelines, Section 15002(g)), and “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” (State CEQA Guidelines, Section 15382)

The Draft EIR was prepared to provide an environmental assessment of the proposed PDCP. A full and adequate analysis of the potential environmental effects of the program was presented in the Draft EIR, in compliance with CEQA. Chapter 5 of the Draft EIR provides an analysis of the potential environmental impacts of the PDCP. Chapter 5 is divided into 4 subchapters: Agriculture and Land Use, Hazards, Water Quality, and Biological Resources. A description of specific environmental issues, safeguards within the PDCP that address that issue, and the resultant impact conclusion is provided for individual topics within each subchapter. A summary of potential cumulative impacts is provided in Chapter 7 of the Draft EIR. Feasible alternatives to the program and alternative control methods are evaluated in Chapter 8 of the Draft EIR.

Based upon its analysis, CDFA determined that all of the potential environmental impacts would be less than significant. Determining whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency. CDFA properly adopted thresholds of significance for each potential environmental impact associated with the PDCP. The adopted thresholds are those suggested in Appendix G of the State CEQA Guidelines. Detailed text and tables within the Draft EIR identify and discuss potential environmental impacts, explain why they would not be significant, and describe additional safeguards included in the PDCP. The findings of no significant impact in the PDCP Draft EIR were a natural conclusion resulting from the environmental analysis of the program by experts in the subject topics.

CEQA does not require mitigation measures for impacts that are less than significant. Safeguards incorporated into the PDCP to minimize potential hazards include notification of proposed treatment operations prior to treatment, professional application of registered pesticides, and monitoring of pesticide applications by CDPR to verify proper application rates and provide information about pesticide residues in the surrounding environment. The data from environmental monitoring would be reviewed to ensure that applications do not lead to undesirable residue levels. Anomalous results would be evaluated to determine if application methods needed to be adjusted, and if so, the PDCP would require that treatments be modified accordingly.

USFWS, CDFG, and NMFS, when appropriate, would be notified of program activities prior to treatment. CDFA would work with these resource agencies to avoid adverse environmental impacts to threatened and endangered species and species of concern (see page 5.4-7 of the Draft EIR). CDFA would also evaluate biological control agents prior to importation and release in

California to determine whether it would attack non-pest organisms, such as native insects, or cause harm to the environment.

In addition, there are many federal and state laws and regulations that govern the use of pesticides. As described in Master Response 2, the U.S. EPA and CDPR evaluate pesticides for potential effects on human health prior to registration and require appropriate use restrictions be present on pesticide product labels to ensure a reasonable certainty of no harm to human health and the environment. The pesticide regulatory program is similar to CEQA review. As set forth in the State CEQA Guidelines Section 15251(i), the program has been certified by the Secretary of Resources as meeting the requirements of CEQA. The PDCP, by law, is required to comply with the regulatory decisions issued by the U.S. EPA and CDPR based on their expert analysis, interpretation, and evaluation of pesticide testing data. In addition, California worker health and safety regulations specify safe work practices for employees who handle pesticides or work in treated areas. The regulations require certification and training for pesticide applicators, notification of pesticide applications, and training for field workers. CDPR and county agricultural commissioners enforce worker safety regulations. See pages 5.2-2 through 5.2-9 of the Draft EIR for a more comprehensive review of the regulatory framework pertaining to the use of pesticides, the management of hazardous materials, and health and safety of pesticide applicators and farm workers.

As required by CEQA, subsequent activities carried out pursuant to the PDCP will be reviewed to determine whether additional environmental analysis must be performed (State CEQA Guidelines, Section 15168 (c)). If the subsequent activity will have impacts that were not analyzed in the Program EIR, then the agency proposing to carry out that activity would have to prepare an initial study analyzing those impacts (State CEQA Guidelines, Section 15168(c)(1)).

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4.0 COMMENTS AND RESPONSES

**LETTER
A1**



April 3, 2002

Susan Stratton, Sr. Environmental Planner
Dept. of General Services
Real Estate Services Division
Professional Services Branch
P.O. Box 989052
West Sacramento, CA 95798-9052

SUBJECT: Notice of Availability of a Draft Environmental Impact Report (DEIR) for
Pierce's Disease Control Program - California Department of Food and
Agriculture

Thank you for the opportunity to review and comment on the Notice of Availability for
the DEIR referenced above. The City of Lake Forest Development Services Department
has reviewed the document and at this time has no comments.

Sincerely
CITY OF LAKE FOREST

Gayle Ackerman
GAYLE ACKERMAN, AICP
Development Services Director

F:\MPoland\Correspondence\LetterNOA - Dept. of Food and Agriculture.doc

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City Hall Fax: (949) 461-3511
Building/Planning/Public Works Fax: (949) 461-3512

LETTER A1: CITY OF LAKE FOREST, CA

A1-1 Comment noted.

A1-1

Richard T. Dixon
Mayor Pro Tem
Peter Herzog
Council Members
Kathleen McCullough
Marcia Rudolph
Helen Wilson
City Manager
Robert C. Denek

**LETTER
A2**

CITY OF ANAHEIM, CALIFORNIA

Planning Department

LETTER A2: CITY OF ANAHEIM, CA

A2-1 Comment noted.

April 10, 2002

Susan Stratton, Sr. Environmental Planner
California Department of Food and Agriculture
Department of General Services, Real Estate Services Division
P.O. Box 989052
West Sacramento, CA 95798-9052

Re: Notice of Availability of a Draft Environmental Impact Report for Pierce's
Disease Control Program

Dear Ms. Stratton:

Thank you for the opportunity to review the above-referenced document. City staff has reviewed the document and has no comments at this time.

Please forward any subsequent public notices and/or environmental documents regarding this project to my attention at the address listed below.

If you have any questions regarding this response, please do not hesitate to contact me at (714) 765-5139, Extension 5750.

Sincerely,

Joseph W. Wright
Associate Planner

jwright/enviro/other/pierce's disease 1

**LETTER
A3**



**City of Fontana
C A L I F O R N I A**



April 19, 2002

Ms. Susan Stratton, Ph.D.
Real Estate Services Division
Department of General Services
State of California
P. O. Box 989052
West Sacramento, CA 95798-9052

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (D.E.I.R.) CONCERNING

PIERCE'S DISEASE CONTROL PROGRAM
CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

MARCH 2002

STATE CLEARINGHOUSE NUMBER 20010320284

Dear Dr. Stratton:

The City of Fontana is in receipt of the above referenced draft environmental impact report.
Upon review of said document the city has no comment on this project.

If you have any questions on this matter, please contact Mike Norton on my staff at (909) 350-6658.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

Debbie M. Brazil
Deputy Community Development Director

DMB:mm

c: file

LETTER A3: CITY OF FONTANA, CA

A3-1 Comment noted.

A3-1

**LETTER
A4****CITY OF MILPITAS**

Mailing Address: 455 EAST CALIFORNIA BOULEVARD, MILPITAS, CALIFORNIA 95035-4429 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

**LETTER A4 CITY OF MILPITAS, CA**

A4-1 Comment noted.

May 1, 2002

Ms. Susan Stratton, Senior Environmental Planner
California Department of Food and Agriculture
Department of General Services
P.O. Box 989052
West Sacramento, CA 95798-9052

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (SCH#2001032084):
Pierce's Disease Control Program

Dear Ms. Stratton:

The City of Milpitas appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the proposed Pierce's Disease Control Program. Staff has reviewed the proposed program and does not have any comments at this time.

If you have any questions regarding the above, please contact Assistant Planner, Troy Fujimoto, at (408) 586-3287.

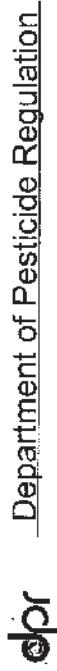
Sincerely,

Tambri J. Heyden, AICP
Planning Manager

CC: file

A4-1

**LETTER
A5**



Department of Pesticide Regulation



State of California
Environmental Protection Agency

MEMORANDUM

A5-1

TO: Paul E. Helliker
Director

The suggested changes have been accepted. See Chapter 5 of this document.

Susan Stratton
Senior Environmental Planner
California Department of General Services
Real Estate Services Division
Professional Services Branch
P.O. Box 989052
West Sacramento, California 95798-9052

FROM: John S. Sanders, Ph.D., Chief
Environmental Monitoring Branch
(916) 324-4100

DATE: May 9, 2002

**SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE PIERCE'S DISEASE CONTROL PROGRAM**

Thank you for the opportunity to review the draft report entitled, "Environmental Impact Report for the Pierce's Disease Control Program," dated March 2002, SCH#2001032084. The Department of Pesticide Regulation (DPR) has the following comments:

Page 4-37, last line: 51.7 g/m^3 should be changed to 51.7 micrograms per cubic meter ($\mu\text{g/m}^3$).

Appendix R: The enclosed protocol describes additional monitoring that will be conducted by DPR and should be added to Appendix R.

If you have any questions, please contact Randy Segawa, of my staff, at (916) 324-4137 or rsegawa@dpr.ca.gov.

A5-1

Attachment

cc: Randy Segawa, Supervising Senior Environmental Research Scientist

LETTER

A6



California Regional Water Quality Control Board

North Coast Region

William R. Massey, Chairman



State Clearinghouse

Gray Davis
Governor

Whiston H. Hixson
Administrator for
Environmental
Programs

Intake Address: Int'l. (www.stateclearinghouse.org) 550 Sutter Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 220-9220 (ext. 3103); 707-546-3135

RECEIVED	
Clerk	
5/17/02	
MAY 20 2002	
STATE CLEARINGHOUSE	

May 15, 2002

State Clearinghouse
PO Box 3044
Sacramento, CA 95812

To Whom It May Concern:

Subject: State Clearinghouse No. 2001022084, Agency: California Department of Food and Agriculture, Project: Pierce's Disease Control Program Review File:

Background

On May 16, 2000 the State Legislature passed emergency provisions for addressing Pierce's disease and the glass-winged sharpshooter (Senate Bill 671, Statutes of 2000, Sections 6045-6047 of the Food and Agriculture Code). The California Department of Food and Agriculture (CDFA) has prepared a draft Environmental Impact Report (EIR) in order to develop a program to minimize the impact of Pierce's disease and control the proliferation of the glassy-winged sharpshooter, a non-native insect capable of spreading Pierce's disease.

CDFA has submitted the draft EIR to the State Clearinghouse and the North Coast Regional Water Quality Control Board (Regional Water Board) for staff review to address proposed effects to water quality and potential mitigation of these effects. According to the State CEQA Guidelines, a significant effect on the environment means "a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and object of historic or aesthetic significance" (Section 15382). The Regional Water Board staff will evaluate the potential impacts to water quality using the CEQA guidelines.

The primary pesticides proposed to be used include carbaryl (Sevin[®]) and cyfluthrin (Tempo[®]) as foliar sprays (i.e., material sprayed plant foliage, and imidacloprid (Merit[®]) as a foliar spray or applied as a soil drench or soil injection. The draft EIR contains a Chemical Hazard and Risk Evaluation Section that details these proposed pesticides and contains the Material Safety Data Sheets (MSDS) for each.

Impacts to Water Quality

The draft EIR addresses three potential impacts to water quality. These are:

- Potential Impacts of Pesticides on Surface Water Quality From Non-Agricultural Treatments

State Clearinghouse

-2-

May 15, 2002

A6-1 (cont.)

Potential Impacts of Pesticides on Surface Water Quality from Non-Agricultural Treatments

- Potential Impacts of Pesticides on Surface Water Quality From Treatment in Agricultural Areas
 - Potential Pesticide Impacts to Ground Water
- Potential Impacts of Pesticides on Surface Water Quality from Non-Agricultural Treatments
- The draft EIR states "The active ingredients of the pesticide to be used for the control of the glass-winged sharpshooter can reach surface water after rainfall or as a result of spray drift. Applying pesticide consistent with label requirements would reduce potential water quality impacts. Pesticide application requirements vary, however, they do not allow direct application to water if there are potentially significant water quality impacts associated with surface water applications. In addition, pesticide labels also require precautions to be taken against contaminating water as a result of equipment use and cleaning. When a pesticide is evaluated for registration, the U.S. EPA and CDPR consider how it breaks down in water environments." No mitigation is planned for this potential impact, as this is considered a "less-than-significant impact."

A6-2

Summer rains are not unheard of in any of the project areas. The potential for run-off of pesticides into waterbodies exists, even when the pesticides are applied by licensed pesticide applicators according to label directions. To reduce the potential for any adverse effects to watercourses the Regional Water Board has recommended on other similar projects that a no-spray buffer or Riparian Buffer could be an appropriate way to reduce the potential risk. The Riparian Buffer width may be assigned to each watercourse based on the class of the watercourse. For Class I and II watercourses, the Riparian Buffer could be a 100-foot strip of land on each side and adjacent to the watercourse. For Class III watercourses, the Riparian Buffer could be a 50-foot strip of land on each side, and adjacent to, the watercourse. The Riparian Buffer would be measured from the active channel or bankfull stage, whichever is wider.

Potential Impacts of Pesticides on Surface Water Quality from Treatments in Agricultural Areas

The draft EIR states "Aerial pesticide applications may be used in agricultural areas to implement the Pierce's Disease Control Program (PDCP). Like treatments by the county in non-agricultural areas, pesticide applications would be by licensed pesticide applicators according to product label directions. Pesticide label requirements specifically prohibit applicators from allowing drift over waterbodies. In addition, pesticide labels require precautions be taken against contaminating water as a result of equipment use and cleaning." No mitigation is planned for this potential impact, as this is considered a "less-than-significant impact."

Weather conditions could be a significant factor in contributing to adverse impacts to water quality due to aerial spraying. The Regional Water Board has suggested on similar projects that factors such as wind and character of precipitation be included in mitigations. For example, no aerial spraying if the local weather forecast predicts that there is 30% or greater chance of rain within 24 hours.

A6-3

California Environmental Protection Agency

Accepted Paper

LETTER A6: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COAST REGION

A6-1 This comment provides background information on the proposed PDCP and the environmental review process and reiterates the three potential impacts to water quality identified in the Draft EIR.

A6-2 CDFA is aware of the importance of preventing pesticide runoff into water bodies, and of the special status accorded riparian areas. As indicated in the Draft EIR, PDCP cooperators would abide by all applicable laws, regulations, and use restrictions whenever applying pesticides. This includes being aware of the potential for run-off of pesticides into water bodies and taking steps to prevent it from occurring. CDFA would consider establishing and observing buffers near riparian areas as a method of reducing the potential for pesticide runoff into water bodies, provided such actions are valid and warranted in the specific treatment area. Additionally, CDFA would consult with federal and state trustee agencies to determine if there are any concerns regarding threatened, endangered, or sensitive species or habitats within or near treatment areas. The consultation process is described on page 4-24 of the Draft EIR.

A6-3 The aerial applications referred to in the Draft EIR would be applied at the discretion of private parties (growers) and would not be funded by the PDCP. The PDCP does not have the authority to create or place additional restrictions on private parties relative to the use of pesticides. If the commenter wishes to pursue this recommendation, it should do so with the California Department of Pesticide Regulation (CDPR), which has authority and jurisdiction in this area.

A6-4 Point of clarification: the excerpt taken from the Draft EIR was misquoted. The first quoted sentence actually reads “The active

State Clearinghouse - 3 -
May 15, 2002
It is also recommended that a water quality monitoring plan be put in place in order to detect any changes to water quality.

Potential Impacts to Ground Water

The draft EIR states "The active ingredients of some pesticides could reach ground water by infiltration from treated ground water surfaces. Label requirements on pesticides containing active ingredients within these attributes include measures to avoid adverse impacts to ground water. In addition, the quantity and frequency of use of these pesticides is such that significant ground water quality impacts would not occur. During PDCP pesticide treatment, license pesticide applicators would follow all pesticide label requirement. No mitigation is planned for this potential impact, as this is considered a "less-than-significant impact."

Contamination of ground water by pesticides is of great concern to the Regional Water Board. The Regional Water Board would ask CDFA to consider adding language to the draft EIR that would consider depth to groundwater, soil characteristics, and vegetative characteristics on a site by site basis.

Ground water monitoring is also suggested to determine that all best management practices related to groundwater are effective.

If you have any questions or comments, please contact Lisa Cinti at (707) 576-2835.

Sincerely,

Lisa Cinti
Environmental Scientist
UC Berkeley

ingredients of some pesticides could reach ground water by infiltration from treated ground surfaces” (the misquote states “treated ground water surfaces”). Also, later in the quote, it should refer to “licensed pesticide applicators,” not “license pesticide applicators.” See pages 2-11 and 5.3-7 of the Draft EIR.

CDFA recognizes the importance of protecting groundwater as well as other environmental matrices. That is one of the reasons why additional safeguards are instituted when treatment activities are conducted. As indicated on page 5.2-7 of the Draft EIR, the CDPR has a program where it monitors groundwater for contaminants. Also, see comment letter A5, which was submitted by the CDPR and includes an environmental monitoring study design which features groundwater monitoring as a potential activity. Also, see pages 2-11, 5.2-7, 5.3-3, 5.3-7, 5.3-8, 7-9, P-19, P-23, P-28, P-29, and Q-3 of the Draft EIR for information and discussions about groundwater.

**LETTER
A7**

STATE OF CALIFORNIA

Governor's Office of Planning and Research



TAL FINNEY

INTERIM DIRECTOR

State Clearinghouse



Gray Davis
GOVERNOR

May 21, 2002

Jim Rains
Department of Food and Agriculture
1220 N Street, Room A-316
Sacramento, CA 95814

Subject: Proposed Frac's Disclosure
SCH# 20010320054

Dear Jim Rains:

The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 17, 2002. We are forwarding these documents to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-listed project, please refer to the ten-digit State Clearinghouse number (20010320054) when contacting this office.

Sincerely,

Jerry Roberts
Jerry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

LETTER A7: OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE

A7-1 The enclosed comment letter referenced is from the California Regional Water Quality Control Board, North Coast Region, and is included as Letter A6 in this "Comments, Responses, & Revisions" document. Although not required by CEQA to respond to late comments, CDFA has provided written responses to Letter A6. This letter from the State Clearinghouse is noted for the record.



LETTER
B1

Faxed to (916) 376-1606
Enclosed also

April 8, 2000

Susan Stratton
Re: Disability Access for GWSS DRAFT EIR Meetings

Dear Susan,

Thank you for talking with me on the phone. I greatly appreciate your sincere concern and willingness to facilitate. As I mentioned, last year two Canaries No Acceptable Risk Coalition members had to leave the last San Luis Obispo GWSS EIR Scoping meeting at the Vets Hall largely because of the fragrances.

I am requesting that the new disability sign be used at all public EIR GWSS meetings, since I am aware that at every EIR meeting last time there were disabled people that would benefit from safe access. The current EIR seems to consider us disposable human beings, it is critical that we have access to our opposition. I can try to get the word out to the disabled community. However, it may be easier to re-schedule meetings to meet access needs and advertise properly.

While this Cleaner Air is a voluntary disability sign, I am prepared to file a discrimination complaint to insure access to meetings for people with chemical intolerance/sensitivity and related disabilities to meetings that discuss programs that endanger their health and threaten their lives.

Enclosed, I am sending the cleaner air disability information and a study of how pollution constricts blood vessels. My chemical intolerance also manifests itself as a respiratory condition where my lungs shut down causing life-threatening attacks where emergency crews could not find my pulse. This blood vessel constriction of lungs is typical of most MCS diagnosed patients. It is also true of many other disabilities.

I hope with this new study that proves our disability is real, will insure our safe access to public GWSS EIR Meetings and our safe access to our entire communities regarding GWSS control programs. I presented this cleaner air signage information to Bob Wynn weeks ago. Let me assure you, even though the study deals with general air pollution, pesticides also have petroleum distillates that the EPA believes can kill at less than one part per trillion. Legal pesticides have almost killed me, while LA air merely makes me sick. Pesticides are known to cause this medical condition, EPA Recognition and Management of Pesticide Poisoning page 37. California has 3% of the population with chemical intolerances.

Sincerely,

Linda J. McElver
Linda J. McElver

Force
Canaries Foundation, Inc.
PO Box 3253

San Luis Obispo, CA 93403-3253 805 547 1568

linda mcelver

From: CHECNET-FORUM-owner@chechner.org on behalf of Elizabeth Sword [elizabeth@chechner.org]
Sent: Wednesday, March 13, 2002 7:34 AM
To: CHEC FORUM listserver
Subject: POLLUTION CONSTRICTS BLOOD VESSELS, STUDY FINDS

POLLUTION CONSTRICTS BLOOD VESSELS, STUDY FINDS

Date: 02/03/2
From: <http://envirolink.netforchange.com/>

By Maggie Fox, Reuters March 12, 2002

Washington - Air pollution causes the blood vessels of healthy people to close up, which helps explain why high levels of pollution are linked to heart attacks and other cardiovascular problems, researchers said Monday.

They said their study fits in with other research that shows air pollution can cause not only breathing problems but heart problems. "These findings suggest a possible reason why the rate of heart attacks and other cardiovascular events increases with exposure to air pollution for people with known heart and blood vessel disease," said Dr. Robert Brook, a specialist in the biology of blood vessels at the University of Michigan who helped lead the study.

The Environmental Protection Agency estimates that air pollution contributed to 60,000 heart-related deaths in 1996.

Brook said the experiment involved fairly high levels of pollution, such as those found in Mexico City or on bad days in Los Angeles. But he said the harmful pollution could not be seen or smelled, and people would not feel the effects. "You don't even know. You can't tell that you are inhaling it. You can breathe in these rather high levels of air pollution and be mostly unaware," Brook said.

TINY BITS OF METAL

The tiny particles of carbon and other material have even smaller bits of iron, manganese, and zinc clinging to them. They are inhaled deep into the lungs, and some studies suggest they may be absorbed directly into the bloodstream. Brook said the body's immune system may mistake these particles for bacterial or viral invaders and attack. As white blood cells move in, they release inflammatory chemicals called cytokines that cause the blood vessels to constrict.

These bits of metal may also damage healthy cells. After two hours of breathing the polluted air, the blood vessels of the volunteers constricted between 2 percent and 4 percent on average. Brook and his team reported in this week's issue of the journal Circulation. Their

vessels did not constrict when they breathed clean, filtered air.

The researchers used ultrasound to measure the diameter of the brachial artery, which runs from the shoulder to the elbow.

"Although the degree of constriction in and of itself is unlikely to produce significant problems in healthy individuals, such a constriction could conceivably trigger cardiac events in those individuals who have or are at risk for heart disease," Brook said. He said his study fits in well with one published last week in the Journal of the American Medical Association. In it, a team at Brigham Young University in Provo, Utah, found that long-term exposure to air pollution increases the risk of death from lung cancer, heart attack, stroke, asthma, pneumonia, emphysema, and chronic bronchitis. "We are hoping that this line of research will add some strength to well-known association studies," Brook said. "Now we can say, 'Gee, there is a clear linkage here between bad air and cardiopulmonary events.'"

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1117B.5.12.2 Conditions of Use. Use of the cleaner-air symbol is voluntary. The Clean Air Symbol shall be permitted for use to identify a path of travel, and a room or a facility when the following is met:

1. Floor or wall coverings, floor or wall covering adhesives, carpets, or formaldehyde-emitting particleboard cabinetry, cupboards, or doors have not been installed or replaced in the previous 12-months.
2. Incandescent lighting provided in lieu of fluorescent or halogen lighting, and electrical systems and equipment shall be operable by or on behalf of the occupant or user of the room, facility, or path of travel.
3. Heating, ventilation, air conditioning and their controls shall be operable by or on behalf of the occupant or user.

B1-2 (cont.)



Previous Cleaner Air Symbol -

B1-3

4. To maintain "Cleaner-Air" designation, only non-irritating, non-toxic products will be used in cleaning, maintenance, disinfection, pest management, or for any minimal touch-ups, which are essential for occupancy of the area. Deodorizers or fragrance Emission Devices and Systems (FEDS) shall not be used in the designated area. Pest control practices for Cleaner-Air areas shall include the use of bait stations using boric acid, sticky traps, and silicon caulk for sealing cracks and crevices. Areas shall be routinely monitored for pest problems. Additional, non-toxic treatment methods, such as temperature extremes for termites, may be employed in the event of more urgent problems. These best control practices shall not be used 48 hours prior to placement of the sign and the facility shall be ventilated with outside air for a minimum of 24-hours following use or application.
5. Signage shall be posted requesting occupants or users not to smoke or wear perfumes, colognes, or scented personal care products. Fragrance products shall not be used in the designated Cleaner-Air room, facility, or path of travel.
6. A log shall be maintained on site, accessible to the public either in person or by telephone, e-mail, fax, or other accessible means as requested. One or more individuals shall be designated to maintain the log. The log shall record any product or practice used in the Cleaner-Air designated room, facility, or path of travel, as well as scheduled activities, which may impact the Cleaner-Air designation. The log shall also include the product label as well as the material safety Data Sheets (MSDS).

**LETTER B1: LINDA J. McELVER, CANARIES FOUNDATION,
INC.**

- | | |
|------|--|
| B1-1 | See Master Responses 2, 3, and 4. |
| B1-2 | Article noted. |
| B1-3 | This information about the conditions of use for the voluntary cleaner air symbol is noted. See Master Response 4. |

**LETTER
B2**
**LETTER B2: LINDA J. McELVER, CANARIES FOUNDATION,
INC.**

B2-1

See Master Response 4. Approximately 1,000 copies of the Draft EIR were distributed on March 29, 2002. They were sent to all responsible and trustee agencies; the State Clearinghouse; County Agricultural Commissioners; County Boards of Supervisors; City and County Planning Departments; County libraries; PDCP Environmental Task Force, Advisory Task Force, and Science Advisory Panel members; and all persons who requested a copy. A 50-day public review period for the Draft EIR was completed on May 17, 2002. In addition, five public meetings to receive comments on the Draft EIR were held in the following locations in California: Sacramento on April 24, 2002; Riverside on April 25, 2002; Napa on April 29, 2002; Tulare on April 30, 2002; San Luis Obispo on May 1, 2002. CDFA has met the CEQA requirements for distribution of the Draft EIR.

B2-2

See Master Response 4. A letter from Mr. Michael Krug, Senior Counsel, CDFA, dated April 30, 2002 was sent to Ms. McElver in response to her request regarding using the Cleaner Air Sign at the public meetings to receive comments on the Draft EIR.

B2-3

See Master Responses 3 and 8. The existence of different viewpoints regarding the validity of chemical sensitivity is discussed in Appendix P of the Draft EIR. Requests for accommodation, e.g., prohibition of the use of chemicals, or relocation provisions, are not necessary for the protection of human health. CDFA is aware of disagreement regarding this matter. It was considered in the Draft EIR.

B2-4

In the past GWSS meetings, disabled people had to leave due to low-level chemical exposures (believed to be fragrances) resulting in a lack of total access. I am requesting on behalf of disabled Californians that suffer with chronic health problems that are potentially affected by common legal pollutants that a new date for EIR Meetings for each area with accessible Cleaner Air Signage be established, when additional copies of the EIR are available to those who requested them. I also request that he EIR can be put on the Internet for public review with proper time allowance of time prior to a new deadline for comments.

B2-3

The disabled population needs to give careful consideration to this GWSS Draft EIR and the Emergency spray Program that is not evaluated under the EIR and considers their suffering, potential death, and safe disabled access to their homes and community insignificant risk needing no mitigation is an outrage that will not be tolerated.

Napa News reported recently that the Governor intends to order the application of dangerous pesticides on our properties against our will for the benefit of the alcohol agriculture industry. This is a very serious health threat to some Californians and an outrage to Californians that wish to live a healthy life style avoiding toxins. I was previously under the impression that those who were sick would not be sprayed against their will, especially those on the Pesticide Sensitive Registry in San Luis Obispo County. Our Agricultural Commissioner has informed us that he will do as ordered. The Governor practices his own form of terrorism against disabled people, and will risk the environmental health of healthy people with pesticide products that are not fully tested to include often more toxic inert. Please respond in writing.

Sincerely,

Linda J. McElver
(Member GWSS Environmental Task Force)
Canaries Foundation, Inc.
PO Box 3253
San Luis Obispo, CA 93403-3253
phone: (805) 547-1568

B2-4

See Master Responses 2 and 3. Based on use specifications presented in the Draft EIR, no toxicity to humans is anticipated. As noted in the Draft EIR, exposures that could result from pesticide use in the PDCP

April 17, 2002

Susan Stratton
Re: Disability Access for GWSS Draft EIR Meetings

Dear Susan,

I have just received the extra copies of the EIR that you promised by phone on April 8, 2002. Thank you. Our members are very upset about the unavailability of the EIR documents in time for proper review. We also have not received any written response to our disability access request regarding using the Cleaner Air Signage at the EIR Meetings Statewide. I received a phone call from Michael Prude, Department of Agriculture, who stated he was responding to my first call to Jim Raines. Jim Raines stated that they would make accommodations. I left a message stating that I had faxed a packet to you, and if the State wasn't going to implement the new cleaner air disability signs and the access requirements for the signs, that I would like a response put into writing. That phone message was left last week and I have not received anything.

In the past GWSS meetings, disabled people had to leave due to low-level chemical exposures (believed to be fragrances) resulting in a lack of total access. I am requesting on behalf of disabled Californians that suffer with chronic health problems that are potentially affected by common legal pollutants that a new date for EIR Meetings for each area with accessible Cleaner Air Signage be established, when additional copies of the EIR are available to those who requested them. I also request that he EIR can be put on the Internet for public review with proper time allowance of time prior to a new deadline for comments.

The disabled population needs to give careful consideration to this GWSS Draft EIR and the Emergency spray Program that is not evaluated under the EIR and considers their suffering, potential death, and safe disabled access to their homes and community insignificant risk needing no mitigation is an outrage that will not be tolerated.

Napa News reported recently that the Governor intends to order the application of dangerous pesticides on our properties against our will for the benefit of the alcohol agriculture industry. This is a very serious health threat to some Californians and an outrage to Californians that wish to live a healthy life style avoiding toxins. I was previously under the impression that those who were sick would not be sprayed against their will, especially those on the Pesticide Sensitive Registry in San Luis Obispo County. Our Agricultural Commissioner has informed us that he will do as ordered. The Governor practices his own form of terrorism against disabled people, and will risk the environmental health of healthy people with pesticide products that are not fully tested to include often more toxic inert. Please respond in writing.

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San Luis Obispo, CA 93403-3253
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would be below toxic thresholds. Appendix P discusses manifestations of toxic doses of selected pesticides.

As indicated on page 5.1-5 of the Draft EIR, it is anticipated that treatments would occur with the consent of the landowner. If a landowner declines to consent to treatment, the county agricultural commissioner may exercise the authority conferred by the Food and Agricultural Code to abate public nuisances and treat the property. To exercise the abatement authority, the commissioner would be required to first obtain a warrant to enter the property. Historically, such actions are unusual and are only taken as a last resort when attempts to achieve voluntary cooperation are unsuccessful.

As described in Chapter 9 of the Draft EIR, CDFA understands that some members of the public may be upset over what is characterized as “involuntary exposure.” One of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.

**LETTER
B3**



APRIL 22, 2002

P.O. Box 173
Paso Robles, CA 93447

Ms. Susan Stratton, Ph.D
Real Estate Services Division
Department of General Services
State of California
P.O. Box 989052
West Sacramento, California
95798-9052

Dear Ms. Stratton,

We of Life on Planet Earth are appalled that this draft document would propose a finding of no significant impacts on a project as ill-defined and open-ended as the proposed project for control of Pierce's Disease. Nowhere is the duration or extent of this program given any clear boundaries, nor is any limit placed on intensity of response to any incident. Nowhere is there a clearly defined list of pesticides to which this project will be limited—only a list of pesticides used “most often.” Before we challenge specific findings, we must ask the general question: how can a project with no defined limits be found not to meet any threshold of significance?

Page 4-5: The “Legal Basis” for this program is the generic assertion that “pests can pose a threat to human health, domestic animals, wildlife, and public and private property.” Yet the glassy-winged sharpshooter only damages private property (aside from an occasional CalTrans oleander), while the pesticides proposed in response pose a threat to everything on the list. We suspect that the CDEA is failing to disclose the potentially significant impacts of pesticide use to avoid the untenable necessity of finding Overriding Considerations which would be clearly indefensible.

Page 4-8: “The...Science Advisory Panel consists of University scientists who are experts on the biology and control of Pierce’s Disease or the glassy-winged sharpshooter.” If the panel fails to include experts in human health (including the medical needs of the environmentally sensitive and immunocompromised) and in wildlife biology (including the bioaccumulation of toxins up food chains), they will be unprepared to monitor impacts of this program on the health of humans and wildlife.

Page 5-1-3: Physical division of a community will occur if sensitive individuals are forced to move out of it in response to forced spraying.

Page 5-1-7: “Disruption of Pest Management Programs,” and Page 5-1-9: “Disruption of Organic Farming.” Beneficial insects could be admittedly lost to agricultural operations that rely on them, and organic farms could be admittedly converted to non-organic farms. The only justification for this destruction of organic operations (which take years to restore and recertify) is to prevent economic impacts to other (conventional) operations. Why is an environmental document advocating the destruction of environmentally benign businesses to protect continuation of environmentally destructive ones? Why is no alternative, environmentally superior project put forward that would disrupt toxic-dependent agriculture to protect organic operations? Why not require affected and threatened vineyards to break up their monocultures with wide strips of non-host crops, and to back away from residential and riparian areas to provide truly effective buffers?

Page 5-2-11: “Combinations of pesticides may also be used...” Where is the analysis of synergistic effects of these combinations on humans and animals, and how can a finding of insignificant impact be made without such analysis?

Page 5-2-12: What is “reasonable certainty” of no harm to human health? Appendix P makes clear that assessment of pesticide risks is based on the “acceptable risk” model that allows the setting of a “tolerable” level of deaths and illnesses. Are victims supposed to think that their sacrifices to protect the economic interests of others are “reasonable?”

Page 5-2-17: The presence or absence of “fragile populations” cannot be predicted by studying land use categories. Residential areas are conspicuously absent from your list of areas given “special consideration,” even though users of schools and parks spend more time at home than in those recognized sites.

Not all sensitive receptors recognize themselves as such, nor can be counted on to speak up to protect themselves. Those well-educated individuals who have consistent relationships with personal physicians who know them well, and the knowledge to encourage their health providers to seek environmental causes behind patterns of illness, may have a chance of recognizing that they need special protection. Such people are increasingly rare. Children, the less-educated, those who have never heard of environmental illness, and the many whose medical care is fragmented or non-existent may have no idea why they are repeatedly or chronically ill. They may not realize that further exposure to toxics represents a lethal threat. Nor would women in the earliest stages of pregnancy—carrying the most sensitive receptors of all, subject to lifelong damage from concentrations in parts per trillion of certain toxins—necessarily recognize their vulnerability. This document offers no analysis of potential exposure pathways endangering sensitive people whose homes—or even neighboring homes—are

B3-5**B3-6****B3-7****B3-8****B3-1****B3-2****B3-3****B3-4**

LETTER B3: LIFE ON PLANET EARTH (VARIOUS SIGNATURES)

B3-1	See Master Response 1. The thresholds of significance used in the Draft EIR were based on the State CEQA Guidelines (Appendix G, Environmental Checklist Form). As stated on page 5-1 of the Draft EIR, they were used to provide guidance on how an impact was judged to be significant.
B3-8 (cont.)	
B3-9	See Master Responses 10 and 11. As stated on page 4-5 of the Draft EIR, the State Legislature specifically required CDFA and the counties to develop a program and individual county workplans to address the impacts of Pierce's disease and its vectors. Legislative mandates for preventing the introduction, establishment, and spread of non-native pests in general, and specifically the glassy-winged sharpshooter, are located in the Food and Agricultural Code. Appendix E of the Draft EIR includes excerpts from the Food and Agricultural Code relevant to the PDCP.
B3-10	
B3-11	
B3-12	See Master Responses 3 and 5. The role of the Science Advisory Panel (SAP) is to provide expert scientific program evaluation and advice on the biological soundness of program activities. The emphasis of the SAP is on program effectiveness, based on the scientific knowledge of SAP members about the pests. Human health and environmental protection concerns are important to the program but are not within the expertise of the SAP. These concerns are addressed through other means, such as the staff, policies, programs, and regulations of human health and environmental protection agencies. See pages 4-7, 4-8, 4-9, 4-31, and 8-29 of the Draft EIR for information about the SAP.

The Draft EIR provides information regarding non-program cooperators and the role each plays as monitors and advisors, such as the CDPR,

B3-7	USFWs, CDFG, and state and local health departments. CDFA works with state and local health departments to provide the medical community with information about any pesticide application programs that may be necessary in non-agricultural environments, e.g., urban and residential neighborhoods. Individuals are encouraged to contact either the local health department, agricultural commissioner's office, or special telephone numbers that are set up to receive health-related questions or reports of illness. In addition, physicians are required by law to report any illness or condition they suspect may be related to exposure to a pesticide. CDFG and/or CDFA animal health personnel investigate any incidents of suspected impacts on wildlife, fish, or domestic animals.	See Master Response 2. As stated in Appendix P of the Draft EIR, the U.S. EPA standard calls for a “reasonable certainty of no harm.” Risk cannot be reduced to zero. By way of example, safeguards are imposed to allow people to access and use gasoline, a very hazardous material. This does not mean that careful adherence to prescribed precautions will eliminate all risk. There is no simple or comprehensive way to identify every hazard that may exist, or to list what risk or degree of risk may be considered acceptable versus unacceptable.
B3-8	See Master Response 3. These concerns are considered in Appendix P of the Draft EIR. A discussion of pesticide chemicals, and differentiation between product hazards and safe use is presented in Appendix P of the Draft EIR. The amount of residue that may enter a structure is minute compared with areas to which direct application is made. Pesticides are applied indoors when indoor pests become an indoor problem. Residues that migrate, or drift from outdoor to indoor environments continue to degrade and/or decompose. As a matter of practicality, it is not possible to entirely exclude elements from out of doors, such as dust, air, and moisture, from entering structures. Residues that could potentially reach indoors from pesticide applications for the PDCP would be significantly less than amounts associated with toxicity.	See Master Response 3. These concerns are considered in Appendix P of the Draft EIR. A discussion of pesticide chemicals, and differentiation between product hazards and safe use is presented in Appendix P of the Draft EIR. The amount of residue that may enter a structure is minute compared with areas to which direct application is made. Pesticides are applied indoors when indoor pests become an indoor problem. Residues that migrate, or drift from outdoor to indoor environments continue to degrade and/or decompose. As a matter of practicality, it is not possible to entirely exclude elements from out of doors, such as dust, air, and moisture, from entering structures. Residues that could potentially reach indoors from pesticide applications for the PDCP would be significantly less than amounts associated with toxicity.
B3-4	See Master Response 3. The PDCP would not result in physical alterations to the landscape and would not result in the physical division of a community.	Based on use specifications presented in the Draft EIR, no toxicity to humans is anticipated. As noted in the Draft EIR, exposures that could result from pesticide use in the PDCP would be below toxic thresholds.
B3-5	See Master Responses 7 and 10.	Appendix P discusses manifestations of toxic doses of selected pesticides. The existence of different viewpoints regarding the validity of chemical sensitivity is also discussed in Appendix P. Requests for accommodation, e.g., prohibition of the use of chemicals, or relocation provisions, are not necessary for the protection of public health. CDFA
B3-6	See Master Response 6. Synergism is a general phenomenon observed with some, but not every, or even the majority of, chemical combinations. Antagonism, the opposite of synergism, also is observed with some chemical combinations. CDFA is unaware of any reports of synergism from the combination of chemicals used in the PDCP. Amounts used are within safe limits established by government pesticide regulatory agencies which incorporate significant margins of uncertainty as discussed in Appendix P. Synergism, should it exist, would have to result in massive expansion of impact many times the magnitude of effects observed with an individual chemical alone before it would potentially become significant under the use conditions of the PDCP. Such synergism is not known to occur.	Based on use specifications presented in the Draft EIR, no toxicity to humans is anticipated. As noted in the Draft EIR, exposures that could result from pesticide use in the PDCP would be below toxic thresholds.

is aware of disagreement with respect to this issue. This is discussed in the Draft EIR.

- B3-9 As indicated on page 5.4-11 of the Draft EIR, vegetation that serves as a potential host to Pierce's disease or the glassy-winged sharpshooter may be removed to reduce inoculum sources or pest numbers. Physical removal methods (cultivation, manual removal) would likely predominate, but use of herbicides is also possible. Such vegetation removal would occur in areas such as unmaintained cropland, roadsides, and elsewhere in proximity to infestations or vulnerable resources. This would not include removal of special-status plants or vegetation associated with sensitive habitats, such as riparian vegetation, wetlands, or native vegetation supporting special-status wildlife. Given that plant removal would occur in abandoned, unmaintained, and/or developed sites, the possibility and effects of consequent plant succession are not a significant environmental concern. Also, as established in the Draft EIR, exposure and nontarget impact concerns associated with the use of registered pesticide materials is already addressed by federal, state, and local pesticide regulatory agencies.
- B3-10 See Master Response 5.
- B3-11 See Master Responses 7 and 11.
- B3-12 See Master Responses 2 and 3. A “precautionary principle” doctrine involves many elements, and is too complex to be adequately treated in this document. Suffice it to note that precaution that is too narrowly focused may lead to adverse consequences elsewhere. Risk-benefit analysis is often used to balance competing interests. The pesticide use component of the PDCP is in conformance with the general principles adhered to by existing government authorities.

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LETTER B4

April 24, 2002

RE: Draft GWSS PDCP EIR Comments and the Emergency Rapid Response Plan that includes community and private residence, non-agricultural forced pesticide spray program:

Dear Governor Davis, and Distinguished Senators, Assembly members, and CDFA,

As a disabled person, I am outraged about the forced chemical/pesticide trespass into our communities, on our organic properties, against our will, against our doctor's orders for the profit of the alcohol agricultural industry. These comments are also addressed to the politicians of this state because they and the federal government have decided to not burden the chemical industry with proving their pesticide products are reasonably safe. You do not require even basic full product testing allowing the industry to leave out the often more toxic, petroleum-based, secret, untested, inert ingredients. You require CDFA and other government agencies to practice quackery and Junk Pestilence Science by creating a toxicology based on primarily active ingredients. No wonder so many pesticides have to be removed from the market due to new health hazards discovered after their use. CDFA failed to honor the request of the Environmental Task Force to investigate the inerters. CDFA failed to honor my request that the new Cleaner Air Disability Sign be used at EIR meetings to insure Disabled Access of people sensitive to chemicals.

My name is Linda J. McElver; I served as the non-governmental public health representative on the GWSS Environmental Task Force. I am recognized as permanently disabled with chemical injury. Breathing legal residues of pesticides and other related chemicals causes my lungs to constrict, and if I cannot get to clean air quick enough has demonstrated on numerous occasions that I am at risk for cardiac failure. I have enclosed two studies that prove and explain the etiology for my condition. I have the lung damage from legal levels of chemicals. There is no medical consensus on the chemical intolerance condition, because there is no interest in developing one. However, these two studies demonstrate the immediate need for identical research utilizing the full (active and inert ingredients) petroleum based pesticide products. CDFA fails to report that deaths from legal exposure levels of pesticides have been documented by the EPA occurring in people with lung disorders, and the reports within DPR of life threatening asthma attacks.

I'm sure if the 3% of Californians that are recognized by the State of California to suffer with chemical intolerances, were given \$40,000 of medical testing along with challenge chemical testing, they would also discover like I did that real chemical injury and sensitivity can be observed through medical testing. For example, decreased liver function, brain damage, adrenal system problems, immune system decline, lung damage, to name just a few. My asthma condition or as the EPA describes as Chemical Intolerances began after I was sprayed in the face with Durshan. After that incident I suffered with chronic fatigue and fibromyalgia for years. After being in bed for years with flu like symptoms, brain function difficulties, and difficulty breathing (from continual assault of legal pesticide residues), the simple act of walking my dog and getting a whiff of my neighbor's weed and feed product blown in my face by the wind almost killed me.

When the firemen got to my home, they revived me with oxygen. They couldn't find a pulse. I had an exposure rash on the unclothed parts of my body. I could taste the pesticides in my mouth. The hospital diagnosed pesticide poisoning. Florida DPR investigated and informed me that the weed and feed product was applied by a licensed pesticide applicator, four days old before and watered in with about 8 inches of tropical rain. Florida DPR informed me I was chemically intolerant and I needed to be on their Pesticide Sensitive Registry.

Pesticide notification is not accommodation for disabled people. Even though most of my neighbors stopped their pesticide applications, and pesticide applicators refused to treat in my neighborhood, I continued to have life threatening episodes that correlated with the 5 acres of pesticides treated every week within $\frac{1}{2}$ mile of my

home. I only had life-threatening incidents if the wind blew the fine particulate legal pesticide residues in my direction.

My children also got sick. Do you want to know what terror is? Having your child rush into the house gasping for air because the pesticide man was spraying a lawn when he was walking the dog. My son also had exposure rash. If I hadn't had oxygen at home, he could have died. I wish Governor Davis could experience the terror of watching your child gasp for air from a whiff of pesticides in the air. My other son had a similar experience while running through lawn barefoot days after pesticides were applied and obviously dry. As a result of continual pesticide exposure, he has missed 5 years of school due to his chronic fatigue, toxic encephalopathy and hyper-responsive airways and currently has no hope of an education. In the early nineties, my children's school used Durshan on a weekly basis. One son is still disabled.

We moved 8 years ago to coastal California, built a safe non-toxic home, on organic land. I have been able to cause chemical intolerances. No investigation has been conducted to determine why this occurs. Now a decade after my disabling condition believed by my doctors potentially caused by Durshan, the pesticide was removed from public use.

B4-1

(cont.)

I remember talking to the medical director of the Dow-Elanco Corporation years before the Dow was fined for failing to report Durshan injuries. I described my son's symptoms when he went on pesticide treated lawns, and asked him how long I should keep my son out of his friend's house that was to be treated with Durshan. He told me to keep my son out for 8 days. This was years before the EPA levied its small fine, and years before Durshan was finally removed from the market.

B4-1

Our EPA doesn't protect the people of this nation. Our Department of Pesticide Regulation doesn't protect the people of this state. The reason is dirty politics and chemical industry greed. We have learned from many sources that the chemical industry writes legislation to fit their needs. Not only do they manufacture the poisons, they influence and sometimes even write the legislation regulating their industry. They manipulate the science to suit their needs; they also control much of the medical field and influence what is studied. They make the poisons that cause cancer, and they make the chemical cures. No wonder cancer research never looks into why cancer is increasing every year and one out of every two men and one out of every three women will get cancer.

I have volunteered countless hours for over a year to this issue. As a patriotic American I am utterly disgusted with this Pierce's Disease Control Program, the Emergency Rapid Response Plan and the deliberate misleading statements released by CDFA to develop a program that never should have happened based on an emergency that doesn't exist.

Wine Spectator Magazine clearly describes the situation in their article "Surviving the Sharpshooter: Southern California's Vineyards Hang On" Sept. 15, 2001 Here are some facts:

Pierce's Disease has existed for 100 years in California. (Not a sudden unexpected event)
Over 39.2 million spent so far. Here's the proof the vineyards don't need our tax money or urban spray program.

B4-2

In Ground Zero, Temecula they solved their own problem, by embarking on an "aggressive campaign of spraying pesticides and insecticides, ripped out nearby citrus groves where the insects winter and lay their eggs, removed infected vines on which the insects could feed and then further spread the disease, and

replanted with more resistant varieties. The end result a significant reduction in Glassy Winged Sharpshooter." Page 11 Wine Spectator Sept. 15, 2001.

CDFA deliberately misleads when it states that Pierce's Disease Strains affect citrus, and other food crops. Many of these strains don't exist in our state.

There was no financial emergency, growers had a bumper crop "25%-30% greater than in 1999" page 11 Wine Spectator Sept. 15, 2001.

Callaway vineyards lost 40% because it vineyards are heavily planted with highly Pierce's disease susceptible Chardonnay and Sauvignon Blanc. Pg. 11 Wine Spectator Sept. 15, 2001.

"...Matthew Blua, a research entomologist at the University of California at Riverside. He noted that some of those vines could have recovered if the disease was limited to a part of the plant that can be pruned off. Page 11 Wine Spectator Sept. 15, 2001

At first CDFA claimed that GWSS could drill through the trunk of the vine, because Pierce's Disease is slow moving and diseased parts can be easily pruned off. Then it was reported in a Scientific Symposium that this was anecdotal.

CDFA claims in one part of the EIR that Turf is not a habitat of GWSS, and in another section states it surveys the turf for infestations. I recall from the Task Force that turf is a recognized GWSS habitat. The GWSS environmental task force, was told by CDFA that the grass, playground equipment, and cars would be tarped during pesticide applications and the tarps taken to landfills, after my comments about existing studies that prove pesticides track in onto carpets causing a toxic exposure in children. Now turf is no longer a habitat for GWSS. GWSS Science appears to be made to order. Other fantastic stories we heard that GWSS was like a B-52 Bomber able to leap into the middle of the vineyard and cause devastation and leap tall trees. All gross exaggerations.

CA Dept. of Agriculture: Every sixty days a new pest enters California. Budget cuts have eliminated preventative border inspections. Why doesn't the Governor believe in preventative pest infestations before they cost millions?

In the EIR CDFA mentions that nurseries will fence their properties to keep out GWSS. Why can't the vineyards do that? Why can't the vineyards do a variety of controls, physical, natural Kaolin clay, and pesticides on their own properties and leave the public alone. They want free pest control. Industry/Universities participating in research are enjoying financial windfalls at tax-payer expense.

Genetically engineered wine will not be bought by many foreign nations in the foreign market. CA wine growers don't appear interested in these genetically altered vines at a recent Pierce's Disease Advisory meeting. Why are we spending millions on something that people don't want?

Definition of an Emergency CEQA: 15159. Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, healthy, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

Clearly Governor Davis has misused his power establishing an emergency for growers that are not successful in dealing with a disease that has been around for 100 years. Intentionally planting susceptible crops in disease infested areas. Governor Davis encourages deliberate misleading statements such as the false effect

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this GWSS infestation will have on CA citrus and other food crops, since the Pierce's Disease strains that affects most of them are not California.

B4-8

Governor Davis has discriminated against a huge portion of the population, the disable chemically, intolerant as well as those affected with other illnesses known to be sensitive to chemicals including but certainly not limited to Parkinson's Disease, Asthma, Hyper-responsive Airway disease, toxic encephalopathy, Lou Gehrig's Disease, cancer victims, AIDS, Chronic Fatigue, Fibromyalgia, cardiac conditions, seizure disorders, etc. etc. to name just a few. Just because the chemical industry/medical industry is not interested in studying the problem, CDFA calls this known risk insignificant. Even though the science clearly exists, it is deliberately and virtually impossible for any sick person to get pesticide exposure challenge testing to determine a safe level for their disability.

Governor Davis deliberately ignores the "Cleaner Air Disability signage that establishes that many have to avoid pesticides and other petroleum related chemicals such as fragrances, cleaning chemicals, etc.

Finally, it is against federal law to imply pesticide safety guaranteed by the EPA, CDFA violates federal law when it says in the EIR that the EPA says no harm.

A product is declared "misbranded" if it utilizes

"... (v) Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government"

"... (ix) Claims as to the safety of the pesticide or its ingredients, including statements such as "safe," "nontoxic," "nonpoisonous," "nontirious," "harmless," "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed"; and

(x) Non-numerical and/or comparative statements on the safety of the product, including but not limited to:

(A) "Contains all natural ingredients";
(B) "Among the least toxic chemicals known";
(C) "Pollution approved".

In closing I would like to remind you of the words in the Declaration of Independence

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. " -Certainly the 100 million Americans with chronic health diseases caused or adversely affected by pollution deserve more consideration, and many have established rights for protection under the Americans with Disabilities Act.

"That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most

**B4-2
(cont.)**

B4-3

B4-4

B4-5

B4-6

B4-7

likely to effect their Safety and Happiness.⁵⁵ - We need representatives that represent and protect the environmental health of its the people rather than protect the profits of industry.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, ... in every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.⁵⁶

I maintain that Governor Davis and any politician that supports this fabricated emergency and any part of the GWSS PDCP non-agriculture community trespass pesticide spray program does not deserve to be a ruler or leader of a free people.

CDFA is deliberately exposing the public to toxic pesticides, against their will or knowledge of the risks.

Pesticides by design are not required to be testing using sound science principles, intentionally crafted to have an acceptable risk of human harm and scientifically invalid leaving out at least ½ the product, the secret often more toxic ingredients in the majority of the safety testing. Pesticide manufacturers are not required to test for synergistic effects of drugs, and other chemicals. CDFA has failed to evaluate or warn citizens for possible prescription drug use that could be adversely affected. Pesticides manufacturers are not required to produce scientific evidence utilizing the full product that sick people, children, pregnant women, elderly, and fetuses will not be harmed. Pesticide labels are not required to warn vulnerable populations about the risks, instead re-enter when dry and is not based on any safety science.

Government has failed to scientifically identify the real pesticide risks. CDFA has failed to provide disabled access to people's properties that need to avoid pesticides. CDFA has failed to provide proper mitigation and relocation, transportation, and construction of alternative safe non-toxic housing. CDFA takes the fight away of citizens to maintain an organic yard for an imagined emergency and an industry that obviously uses poor farming techniques. CDF-A takes away, the rights of others in Agriculture like the organic farmers, and nurserymen, subjecting them to pesticides, potentially destroying their profitability. I challenge our government to prove safety, rather require private citizens to prove harm. Many illnesses are not yet explained by scientific research, it is considered unethical to test sick individuals, but that doesn't mean that common reported symptoms aren't real. Why is it we can spend millions on wine, when 1 million could easily test to prove sensitivity conclusively. I will violently oppose any trespass on my property. However, like those Americans on flight 93, I will risk my life to save my children and others from government chemical trespass active and inert ingredients.

Governor Davis please don't spray us, for some of us may die.

Sincerely,


Linda J. McElroy

Non-Governmental Public Health Representative GWSS Environmental Task Force, President, Canaries Foundation, Inc., PO Box 3253, San Luis Obispo, CA 93403-3253. (805) 547-5068

1117B.5.12.2 Conditions of Use. Use of the cleaner-air symbol is voluntary. The Clean Air Symbol shall be permitted for use to identify a path of travel, and a room or a facility when the following is met:

1. Floor or wall coverings, floor or wall covering adhesives, carpets, or formaldehyde-emitting particleboard cabinetry, cupboards, or doors have not been installed or replaced in the previous 12-months.
2. Incandescent lighting provided in lieu of fluorescent or halogen lighting, and electrical systems and equipment shall be operable by or on behalf of the occupant or user of the room, facility, or path of travel.
3. Heating, ventilation, air conditioning, and their controls shall be operable by or on behalf of the occupant or user.



Remove Clean Air Symbol

B4-11

B4-12

B4-13

B4-14

4. To maintain "Cleaner-Air" designation, only non-irritating, non-toxic products will be used in cleaning, maintenance, disinfection, pest management, or for any minimal touch-ups, which are essential for occupancy of the area. Deodorizers or Fragrance Emission Devices and Systems (FEDS) shall not be used in the designated area. Pest control practices for Cleaner-Air areas shall include the use of bait stations using boric acid, sticky traps, and silicon caulk for sealing cracks and crevices. Areas shall be routinely monitored for pest problems. Additional non-toxic treatment methods, such as temperature extremes for termites, may be employed in the event of more urgent problems. These pest control practices shall not be used 48 hours prior to placement of the sign and the facility shall be ventilated with outside air for a minimum of 24-hours following use or application.
5. Signage shall be posted requesting occupants or users not to smoke or wear perfumes, colognes, or scented personal care products. Fragranced products shall not be used in the designated Cleaner-Air room, facility, or path of travel.
6. A log shall be maintained on site, accessible to the public either in person or by telephone, e-mail, Fax, or other accessible means as requested. One or more individuals shall be designated to maintain the log. The log shall record any product or practice used in the Cleaner-Air designated room, facility, or path of travel, as well as scheduled activities, which may impact the Cleaner-Air designation. The log shall also include the product label as well as the material Safety Data Sheets (MSDS).

DIESEL FUMES HIT ASTHMATICS WITH ONE-TWO PUNCH

Like Diesel, substantial numbers of Americans report asthma symptoms when breathing so called "safe" levels of pesticides. The fine particles can ride on dust molecules, weeks after an application. We need to fund a study using the FULL PRACTICE PRODUCT fire particles including those often more toxic, petroleum distillates based, secret, untested, inert ingredients injected into mice.

The Gillette Study and others indicate that living near a farm that uses synthetic pesticides can produce more of many common illnesses, cancer and asthma included. Linda J. McElvay

-----Original Message-----
From: CHEMNET-FORUM-owner@chemnet.org To: http://story.news.yahoo.com/
By: E. J. Mundell, Reuters Health, Apr 22, 2002

New Orleans - As many asthmatics know, a blast of diesel exhaust can trigger bouts of wheezing, coughing and other asthma symptoms. Now researchers say they have figured out why these fumes are so tough on those afflicted with the illness.

According to researcher Dr. Fred D. Finkelman of the University of Cincinnati in Ohio, the fine particles in diesel exhaust hit the human immune system with a double whammy, upping the production of an immune protein that triggers asthma attacks while suppressing a second protein that might otherwise bring symptoms to a halt.

"The findings "add to the evidence" that it would be best to reduce diesel exhaust particle emissions," Finkelman said in an interview with Reuters Health. He presented his findings here Monday at the annual Experimental Biology 2002 conference.

Numerous studies have found that individuals living in urban areas or near busy highways are at much higher risk for asthma and other allergies compared with those living in less congested locales. While most experts have suspected diesel fumes as the prime culprit, until now the exact mechanism by which truck exhaust aggravates the immune system has remained unclear.

In their study, Finkelman and his colleagues injected small amounts of diesel exhaust particles into the bloodstreams of mice. The investigators found that, after injection, the mice secreted abnormally high levels of interleukin-6 (IL-6), an immune system protein "released by cells of the immune system in response to substances such as bacteria and viruses that the immune system perceives as dangerous." In the asthmatic lung, this response can go overboard, triggering airway constriction, coughing and congestion.

Luckily, the immune system has a kind of counteracting mechanism, a protein called interferon-gamma. When released in large quantities, interferon-gamma works to put the brakes on runaway immune responses.

However, the Cincinnati researchers found that, in mice, diesel exhaust appears to dampen interferon-gamma production--giving IL-6 free reign to trigger asthmatic symptoms.

With diesel fumes being such an obvious health hazard, reducing emissions would seem to be a "no-brainer," from the viewpoint of public health. But the issue "is not that simple," Finkelman cautioned.

"Compared to gasoline engines, diesel engines are more fuel efficient and emit less greenhouse gases per mile traveled," he said. And getting consumers to pay for cleaner air while doing without some of the gas-guzzling luxuries they've come to love has proven to be a tough sell. In the end, Finkelman said, "society has to balance efforts to decrease pollutants that have harmful medical effects with the costs of these efforts."

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POLLUTION CONSTRICTS BLOOD VESSELS, STUDY FINDS
From: http://envirolink.netforchange.com/

By Maggie Fox, Reuters, March 12, 2002

Washington - Air pollution causes the blood vessels of healthy people to close up, which helps explain why high levels of pollution are linked to heart attacks and other cardiovascular problems, researchers said Monday.

They said their study fits in with other research that shows air pollution can cause not only breathing problems but heart problems. "These findings suggest a possible reason why the rate of heart attacks and other cardiovascular events increases with exposure to air pollution for people with known heart and blood vessel disease," said Dr. Robert Brook, a specialist in the biology of blood vessels at the University of Michigan who helped lead the study.

The Environmental Protection Agency estimates that air pollution contributed to 60,000 heart-related deaths in 1996.

Brook said the experiment involved fairly high levels of pollution, such as those found in Mexico City or on bad days in Los Angeles. But he said the harmful pollution could not be seen or smelled, and people would not feel the effects. "You don't even know. You can't tell that you are inhaling it. You can breathe in these rather high levels of air pollution and be mostly unaware," Brook said.

Brook and his brother, Dr. Jeffrey Brook of the University of Toronto, tested 25 healthy volunteers with an average age of 35. They sat in a chamber and air was pumped in -- sometimes filtered and sometimes containing ozone and fine particulate matter. "These come from the combustion of normal fossil fuel," Brook said. Cars, power plants, iron smelters, and other industry all create ozone and fine particulate pollution.

TINY BITS OF METAL

The tiny particles of carbon and other material have even smaller bits of iron, manganese, and zinc clinging to them. They are inhaled deep into the lungs, and some studies suggest they may be absorbed directly into the bloodstream. Brook said the body's immune system may mistake these particles for bacterial or viral invaders and attack. As white blood cells move in, they release inflammatory chemicals called cytokines that cause the blood vessels to constrict.

These bits of metal may also damage healthy cells. After two hours of breathing the polluted air, the blood vessels of the volunteers constricted between 2 percent and 4 percent on average, Brook and his team reported in this week's issue of the Journal of Circulation. Their vessels did not constrict when they breathed clean, filtered air.

The researchers used ultrasound to measure the diameter of the brachial artery, which runs from the shoulder to the elbow.

"Although the degree of constriction in and of itself is unlikely to produce significant problems in healthy individuals, such a constriction could conceivably trigger cardiac events in those individuals who have or are at risk for heart disease," Brook said.

He said his study fit in well with one published last week in the Journal of the American Medical Association. In it, a team at Brigham Young University in Provo, Utah, found that long-term exposure to air pollution increases the risk of death from lung cancer, heart attack, stroke, asthma, pneumonia, emphysema, and chronic bronchitis. "We are hoping that this line of research will add some strength to well-known association studies," Brook said.

"Now we can say, 'Gee, there is a clear linkage here between bad air and cardiopulmonary events.'"

* *

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INTRODUCING
The CANARIES FOUNDATION, INC.'s

NO ACCEPTABLE RISK COALITION

A new national activist networking coalition dedicated to the emerging Environmental Health Civil Rights Movement. The "acceptable risk" policies of our government currently do not burden industry with proving chemical based products and bio-engineering are reasonably safe. Instead industries are allowed to sell their poisons with secret inert contaminants, using the American people as guinea pigs and placing the burden of proving harm unfairly on the American People.

We take back our civil liberties of the right to LIFE, LIBERTY, and the PURSUIT Of HAPPINESS by asserting that no person shall be the intended "acceptable risk" for industry profits.

We maintain that the AMERICAN PEOPLE, NOT THE GOVERNMENT, will decide whether or not to assume any risks associated with the use of any product.

Please join us today. Only by joining together, can we make the world safer for us all.

Linda J. McElver
Member CA Glassy Winged Sharp-Shooter Environmental Task Force
non-governmental public health representative
President
Canaries Foundation, Inc.
PO Box 3253
San Luis Obispo, CA 93403-3253

Phone: (805) 547-1568 Fax: (805) 543-6249
e-mail: lmcelver@noacceptablerisk.com
website: under construction www.noacceptablerisk.com

Advocating for the needs of the chemically sensitive because people can be as fragile as the canary in the coal mine.

Canaries No Acceptable Risk Coalition Membership Form

Sponsored by the Canaries Foundation, Inc., PO Box 3253, San Luis Obispo, Ca 93403-3253
Phone: 805-547-1568, Fax: 805 543-6249, Website: www.noacceptablerisk.com

The American people take back their basic civil liberties of the right to life, liberty, and the pursuit of happiness by asserting that no person should be the intended "acceptable risk" for industry profits. The American People, not the Government, will decide whether or not to assume any risks, and will not be exposed to hazardous products against their will or without their permission. The American People will not be denied access to basic necessities and common pleasures of life because of "acceptable risk" or chemical intolerance issues.

The 100 Million Americans who are not in perfect health and suffer with chronic illnesses potentially affected or caused by environmental pollutants are the known Acceptable Risk Population. We maintain the risks to public health should be well defined and the products fully tested. Currently, industry products are considered safe until proven guilty. Junk Industry Science, including allowing secret more toxic ingredients, is promoted by our government and obviously fails to protect the environmental health and reasonably guarantee the safety of anyone. We are all at risk. The time has come to stand together to make this world safe for us all. A million letters can and will make a difference. \$1. per person could fund a major civil action. We need everyone to spread the word and sign up as many people as possible.

Permanent Position/Petition Statement:

No chemical trespass, No acceptable risk, No junk industry science.

Please visit our website for a more detailed version.

Name: _____ additional family members or persons at the same address,
for children under 18 please put child 1& year of birth, child 2 & year of birth, etc.

Address: _____ County: _____ Phone: (_____) _____ City: _____ State: _____ Zip code: _____

All Contact information is confidential Name and Zip code (county, state) may be released to government officials and statistics will be made available to Coalition Members.

No Financial Obligation or Fee Yearly donations are greatly appreciated and are tax deductible. Tax ID #77-0569174 Suggested Donations \$1. - \$50 individuals, \$10-50 families, \$50-100 professionals, \$25-\$100 for non-profit organizations, \$100 = for profit organizations. Please make checks payable to: Canaries Foundation, Inc. The Canaries Foundation, Inc. is 501 (c) (3) Non-Profit Organization.

1. Health Statistics for persons listed on this membership form:

How many are chemically sensitive, EI, MCS?

How many have other environmentally affected illness?

How many are supporters (not sick or sensitive)?

2. Do you wish to be contacted by government officials if a National or State Pesticide Sensitive Registry is created? Yes or NO?

3. To help with local activists, May we release your contact information to other non-profit environmental health or related community organizations? Yes or NO?

4. What is your preferred level of activism? Please circle one.

- A. Just sign us on, please don't contact us to write letters.
- B. Just alert me to very important issues a few times a year.
- C. Please place me on the Canary Email Information List (approximately bi-weekly environmental health and activism information).
- 5. Please note your environmental health concerns: _____

B4-16

**B4-16
(cont.)**

LETTER B4: LINDA J. McELVER, CANARIES FOUNDATION, INC.

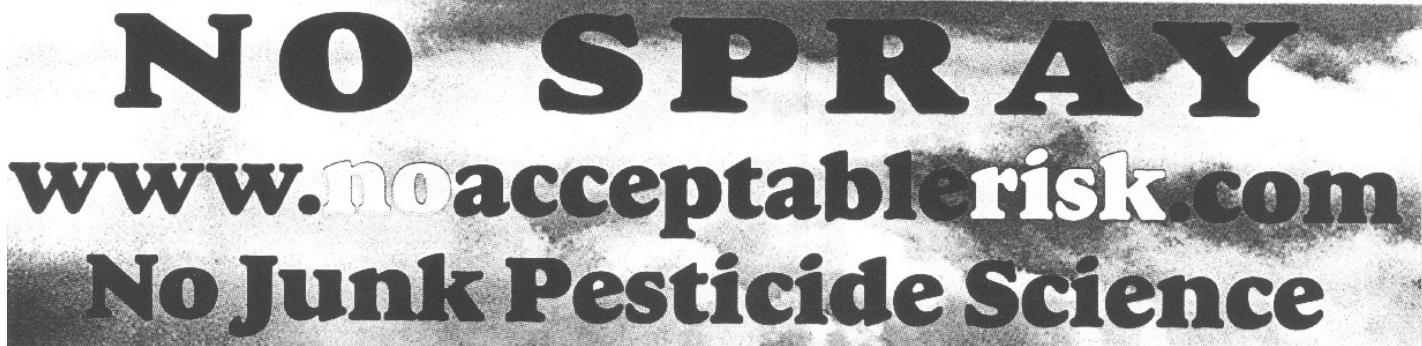
- B4-1 The commenter's personal experience is noted. See Master Responses 2 and 3.
- B4-2 The commenter has raised several issues. CDFA responds as follows:

Emergency Status/Situation in Temecula: See Master Response 8.

Strains of *Xylella fastidiosa* in California: See Table 3-4 on page 3-7 of the Draft EIR. Table 3-4 gives information on diseases caused by strains of the Pierce's disease bacterium, and indicates whether or not those strains and diseases are found in California. Although some strains of *Xylella fastidiosa* may not yet occur in California, the presence of glassy-winged sharpshooter puts the state on the brink of serious plant disease epidemics should the strains arrive. See pages 3-7 and 3-21 of the Draft EIR for more information.

B4-17

Impacts from Pierce's Disease Vectored by Glassy-winged Sharpshooter: These have been documented in four counties (Kern, Riverside, San Bernardino, and San Diego) through a recent loss compensation program. The data yield a conservative documented total of approximately 1,020 acres removed in these counties due to high levels of infection and loss from Pierce's disease. Meanwhile, additional losses have occurred and are occurring in infested areas of the state. Virtually all grape acreage in the state is at risk. Table 3-3 of the Draft EIR gives information on the relative susceptibility of grape varieties to Pierce's disease. Although there are differences in susceptibility, no *Vitis vinifera*-type grapevines are considered tolerant or resistant to Pierce's disease.



Pruning to Cure Vines: In areas where glassy-winged sharpshooter is present, vines cannot be cured of Pierce's disease just by pruning out infected portions of vines. This is because glassy-winged sharpshooter feeds on and infects vines at several points, including near the base of the vines. Also, while the pest management actions taken in Temecula have proven helpful at reducing numbers of vectors, ongoing area-wide effort and vigilance are still needed. See pages 1-2, 3-6, 3-21, 3-22, 8-4, and 8-5 of the Draft EIR for more information.

B4-7
See Master Response 8.

Turf grasses are not known to be hosts of the glassy-winged sharpshooter for breeding purposes. Turf grass may be examined during surveys to see if any glassy-winged sharpshooter nymphs are present. There are no plans to treat turf for the glassy-winged sharpshooter.

B4-4
Comment noted.

B4-5
The alternative control methods suggested by the commenter are analyzed in Chapter 8 of the Draft EIR. See Master Response 7.

B4-6
Host plant resistance is being evaluated as part of the research component of the emergency PDCP and would likely continue as part of the research component of the proposed PDCP. A discussion of host plant resistance through transfer of genes is presented on page 8-3 of the Draft EIR. It is noted that it is likely to take five to ten years or more before these genes could be integrated into the genetic material of *Vitis vinifera*, the grape grown commercially in California. The cost of the research is not considered as part of the Draft EIR.

As noted on page 8-2 of the Draft EIR, should one or more of the control methods being studied prove effective at significantly lowering glassy-winged sharpshooter numbers or otherwise reduce the spread of Pierce's disease, their use could be incorporated into the PDCP in the

future. If a new method is added to the PDCP in the future, including host plant resistance through transfer of genes, additional environmental review would be conducted if significant environmental impacts are anticipated.

B4-7
The Draft EIR notes that not all the diseases caused by *Xylella fastidiosa* are currently found in California (see pages 3-7 and B-5 of the Draft EIR).

Table 3-4 on page 3-7 clearly indicates that the strain of *Xylella fastidiosa* which causes citrus variegated chlorosis (CVC) is not believed to be present in the state, so it cannot be causing damage in California at this time. However, the presence of the glassy-winged sharpshooter in California elevates the risk to citrus of future serious damage from CVC, since an aggressive, citrus-feeding vector of the disease is now present in the state and could rapidly spread the disease if it ever gains entry into California. This is similar to an area having mosquitoes capable of vectoring human disease; all that is needed for disease to actually occur is for a source of the disease pathogen to appear. Recent field observations suggest that new plant diseases are arising in areas infested with glassy-winged sharpshooter, due to introduction by the sharpshooter of the Pierce's disease bacterium into plants not previously exposed to the bacterium.

B4-9
See Master Responses 2 and 3. Individuals are referred to their personal health care provider for health care needs.

B4-10
The Draft EIR does not imply that any chemical is without hazard potential. What is stated is that hazardous materials may be used safely (see Appendix P of the Draft EIR). CEQA does not mandate zero risk.

As discussed in the Draft EIR, zero risk is not attainable. The PDCP is in compliance with governing statutes and regulations. See Master Response 2.

- B4-11 Comment noted.
- B4-12 See Master Response 2.
- B4-13 See Master Responses 2, 3, 8 and 10.
- B4-14 This is a copy of the state regulations pertaining to the use of the “Cleaner-Air” symbol.
- B4-15 Article noted.
- B4-16 This is a flyer describing the Canary’s Foundation No Acceptable Risk Coalition.
- B4-17 Comment noted.

LETTER
B5

W.M. J. Thomas
Attorneys at Law

May 2, 2002

LIVINGSTON & MATTESSICH

Based thereon, USDA has determined a pilot project be engaged in the General Beale Road area of Kern County. Such control program has concluded its first year and proven to be remarkably effective.

VIA FACSIMILE & U.S. MAIL

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Re: Draft Environmental Impact Report for Pierce's Disease Control Program

Dear Ms. Stratton and Mr. Rains:

The California Grape & Tree Fruit League (the League) responds to the California Department of Food and Agriculture's recently released Draft Environmental Impact Report for Pierce's Disease Control Program (DEIR). The League offers the following comments on behalf of the table grape industry. This also reflects the interests of the tree fruit industry, which also has concerns as to potential spread of the glassy-winged sharpshooter.

The table grape industry is concentrated in the Coachella Valley and Southern Central Valley of California. The populations of glassy-winged sharpshooter in the southern San Joaquin Valley regions of Kern and Tulare Counties are extremely high. Pierce's Disease has crossed into table and wine vineyards of Kern and Tulare Counties. If left unabated, the potential threat of this disease and vector moving throughout the grape (table, wine and raisin) growing regions of California are extreme. The U.S. Department of Agriculture (USDA) and the California Department of Food and Agriculture (CDFA) have recognized that if we are to get effective control of this disease to avoid an agricultural disaster, we must reduce the glassy-winged sharpshooter vector and eliminate Pierce's Disease in the Kern/Tulare areas.

May 2, 2002
Page 2

Therefore, it is imperative that the State's Pierce's Disease Control Program be fully adequate in the field and this DEIR be likewise adequate to cover all possible necessary control contingencies. Based on these premises, our comments following in the order of the contents of the DEIR.

1. Introduction

The document outlines five central program elements:

- Public outreach
- Statewide survey
- Contain the spread
- Local management and rapid response
- Research

These divisions may not sufficiently address CDFA's control programs or the elements of the CDFA/USDA Beele Road pilot program.

The terms "contain the spread" and "rapid response" may not be sufficiently adequate to notice all of the requisite control program's elements.

1.5 Environmental Review Process

The control program, including the pilot project, have been engaged without environmental consequences and expansion of this pilot project will also be adequately evaluated by the individual counties, pursuant to the California Environmental Quality Act (CEQA) guidelines.

2.2 Areas of Controversy/Issues to Be Resolved

The effects of Pierce's Disease and glassy-winged sharpshooter are easily severe enough to warrant the State's glassy-winged sharpshooter program.

**B5-1
(cont.)**

B5-2

B5-3

B5-4

B5-1

B5-2

B5-3

B5-4

LIVINGSTON & MATTESEN

May 2, 2002
Page 3

LIVINGSTON & MATTESEN

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Page 4

The use of pesticides is limited in type and quantity and mostly used in the agricultural environment.

2.4 Alternatives to The Program

- Alternative B: Abate new glassy-winged sharpshooter infestations on agricultural lands, using the most effective treatments.
- Alternative C: Abate all infestations of glassy-winged sharpshooter outside of generally infested areas, but do not use conventional pesticides in non-agricultural areas.

These alternatives do not sufficiently capture the most appropriate alternative. The most appropriate alternative would allow the Department to deal with all infestations of the glassy-winged sharpshooter and Pierce's Disease in all important locations, using the most effective techniques.

The choice between these existing two listed alternatives (B and C) would make choice between only dealing with limited infestations (i.e., new agricultural lands) using appropriate control treatments or only limited infestations (i.e., outside generally infested areas) using limited control techniques.

2.5 Summary of Impacts

We concur that all of the environmental impacts would be less than significant and no further mitigation measures are merited.

4.0 Program Description

We concur that the appropriate program is the continuation of the comprehensive statewide control program currently being conducted. We also remind that the General Beale Road project is part of that program.

B5-4
(cont.)

4.3 Legal Basis for the Pierce's Disease Control Program

We concur that the California Food & Agricultural Code obligates CDFA to "prevent the introductions and spread" of these pests and this disease.

4.6.4 Rapid Response and Treatment

- We concur with the provisions in the sections entitled, "treatment of infested properties" and "treatment in areas outside general infested areas."

5.2.3 and 5.4.3 Environmental Analysis

We concur with the content and conclusions of this report that there are not significant environmental effects from the Pierce's Disease Control program.

Respectfully submitted,

WILLIAM J. THOMAS
California Grape & Tree Fruit League

WJT:ad

B5-6

cc: Robert Wynn
Director, Division of Plant Industry
Richard Matolian
California Grape & Tree Fruit League

B5-7

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B5-8

B5-5

**LETTER B5: WILLIAM J. THOMAS, CALIFORNIA GRAPE &
TREE FRUIT LEAGUE**

B5-1	Comment noted.	B5-7	See response to comment B5-2.
B5-2	The five central program elements are described in detail in Chapter 4 of the Draft EIR. As has been noted, these elements are generic in nature consistent with the programmatic approach of this document. The PDCP is designed to allow for site specific issues to be addressed in the workplans of the individual county agricultural commissioners.	B5-8	Comment noted.
B5-3	Comment noted.		
B5-4	Comment noted.		
B5-5	The alternative suggested by the commenter is reflected in the proposed PDCP. This comment is consistent with the alternatives analysis presented in Chapter 8 of the Draft EIR. The feasible alternatives to the PDCP would not meet the goal of the PDCP to minimize the statewide impact of Pierce's disease. The proposed PDCP is the environmentally superior alternative that meets the program goal of minimizing the statewide impact of Pierce's disease.		
B5-6	Comment noted.		

LETTER
B6

Stratton, Susan

From: Linda mcElver [lmcElver@noacceptablesk.com]
Sent: Wednesday, May 08, 2002 4:57 AM
To: susan.stratton@cdgs.ca.gov
Subject: EXTENTION

May 7, 2001

Susan Stratton

Dear Susan,

Even though my Ag Commissioner, Richard Greek, promised not to spray my property, Dr. Kurtz in spite of hearing my public testimony about my health on numerous occasions did remark to me that he would have to spray my property because of my organic garden at the Sacramento hearing on April 24,2001. I previously thought that people would be protected if their Ag Commissioner was concerned about their health or their organic garden.

I realize that all my volunteer work was in vain. CDFA is determined to spray 300 yards around any infestation of a couple of bugs. I do not feel Dr. Kurtz is qualified to make this decision regarding my health or the health of any citizen. Since it is apparent, that they only thing that will change his opinion is a data base of significant numbers of sick and dying people, that can prove in a laboratory that their lives are threatened. He expects me to leave my property to protect my health. I don't go to parks. I don't go a lot of places because He doesn't understand how long I will have to avoid my property. My breathing is only normal in my safe house, even then it's not 100%. I have had serious problems just driving on the freeway, with two air cleaners in my car, and wearing a pesticide respirator. I will be getting O2 again since leaving my house is a life -threatening risk. I can't find where to get pesticide exposure testing to prove this once and for all. I have written to Dr. Kurtz by email with no response. My safe house/community can not be duplicated without building a new home.

Therefore, My life is threatened by this program, the lives or health of potentially at a minimum 1 million sick Californians are threatened by this program. The environmental health of healthy citizens can not be reasonably guaranteed. I served as the non-governmental public health representative on the GWSS Environmental Task Force. My document that I prepared was not included in that report, my words changed to minimize the life-threatening risks. In fact the entire time on the task force was a huge waste of time, since nothing I prepared or said made any difference, the forced pesticide spray program continues. The task force recommendation of inert investigation was ignored.

I haven't even gotten past the first few sections in the EIR yet. I have brain damage and have been working to the best of my ability to craft my document for the EIR. I can not get through the material, edit the writing, and produce a reasonable document by the dead line. My coalition member that has been helping me can testify to my physical collapse working on this. My family fears for my health. Research is frantically coming in from supporters in my organization. A few also brain damaged individuals are helping me directly to write now, none of us is up to doing a proper research document that Dr. Kurtz requires to protect us.

The burden I feel as a legally disabled person is over-whelming and one of the only people in this state that truly is trying to protect the public from untested complete product pesticides and unknown risks in terms of sick people. I was shocked at the persons on the GWSS Environmental Task Force

from health agencies and others that said nothing, would let insignificant people like me die. It appears to me that agencies in this government are serving the chemical/ agri industry first and the people last or not at all. I need much more time to what you do in a normal day, and even then it is not satisfactory. I often get lost, I can not do a check book, I can not remember what I have written or read, until I can do it often enough that it is in long term memory, therefore I tend to ramble. It is impossible for me to hand write and my energy is limited at the computer. My disability is documented as Toxic Encephalopathy, Chronic Fatigue, Fibromyalgia, Multiple Chemical Sensitivity, Hyper-reactive airway disease and numerous other health problems. Quite literally, I suffer with pain just writing this document. Please let me know if my request for a 15 day extension is granted or if longer can be provided. In reality it would take me a year to prepare a professional researched document working as my pain and brain function allowed. Knowing that a year is impossible for you to grant, any extension will be greatly appreciated.

Sincerely,

Linda J. McElver
 President
 Canaries Foundation, Inc.
 PO Box 3253
 San Luis Obispo, CA 93403-3253

B6-1

Phone: (805) 547-1568

Fax: (805) 543-6249

Advocating for the needs of the chemically sensitive/acceptable risk populations because people can be as fragile as canaries in the coal mine.

**B6-3
 (cont.)**

B6-2

B6-3

LETTER B6: LINDA J. McELVER, CANARIES FOUNDATION, INC.

- B6-1 See Master Responses 2 and 3. As indicated in the Draft EIR, relocation of persons in treatment areas is not necessary. CDFA is aware of disagreement with respect to this issue.
- B6-2 See Master Response 3. CDFA extends its sympathies to the commenter and her associates for any illnesses or difficulties they have suffered.
- B6-3 See Master Responses 2, 3 and 4, and the response to comment B6-2.

LETTER

B7



Public Employees for Environmental Responsibility

2001 S Street, NW • Suite 370 • Washington, D.C. 20009 • 202-265-PFIR(7337) • fax: 202-265-4192

May 6, 2002

e-mail: info@peer.org • website: <http://www.peer.org>

Ms. Susan Stratton, Ph.D.
Real Estate Services Division
State of California Department of General Services
P.O. Box 989052
West Sacramento, CA 95798-9052

Comments on Pierce's Disease Control Program Draft Environmental Impact Report (SCH

#2001032084, March, 2002)

Dear Ms. Stratton—

This letter provides the comments of Public Employees for Environmental Responsibility (PEER) on the Pierce's Disease Control Program Draft Environmental Impact Report issued May 2002. PEER is a private, nonprofit national organization that supports excellent scientific research in public agencies, and works to ensure public access to scientific information obtained at public expense. PEER's national offices are in Washington, D.C., with a state office in Georgetown, California.

PEER opposes certification of the Pierce's Disease Control Program (PDCP) DEIR on the basis that it is not an EIR at all. It contains no finding of significant impact for any aspect of the PDCP as defined in the "EIR", but instead comprises a 200+ page Negative Declaration with no specific statements about the potential for impacts on environmental or human health, or specific mitigations.

This document should be revised into a real EIR, in conformance with the requirements of CEQA. In the following, we refer to the present document as a putative "EIR", and recommend revisions that could convert it into a real EIR.

I. PROPERLY IDENTIFY SIGNIFICANT ENVIRONMENTAL IMPACTS AND PROPOSE MITIGATIONS FOR PDCP ACTIVITIES

Many aspects of the PDCP, especially pesticide applications for "control" of the Glassy Winged Sharpshooter (GWSS), Pierce's Disease vector, could produce environmental impacts but none are called significant in this "EIR", based on the reasoning that various regulations "would be" applied and various conditions "would be" met that "would" protect the environment and human health. All of these protections are conditionally expressed; none appears to be mandatory. This reasoning contravenes the CEQA requirement that an EIR identify significant impacts and specify mitigation measures for projects not related to certain Certified Regulatory Programs, including CDFA's Pesticide Regulatory Program¹.

The PDCP requires pesticide "treatment" of any GWSS infestation in areas currently defined as GWSS-free. Reminiscent of programs that sprayed the San Francisco Bay Area and Los Angeles with "harmless" malathion (now known to be carcinogenic) to eradicate (or control) mosquitoes, the required PDCP "treatments" include mandatory spraying of private properties at taxpayer expense, in areas defined as infested. These activities fall outside the agency's

¹ CEQA guidelines, §15251

² Mountain Lion Foundation, *supra*, 16 Cal.4th at 113, 134-137; Sierra Club v. State Board of Forestry,

³ *supra*, 7 Cal.4th at 1230-1231

statements such as "The U.S. EPA and CDR consider the potential effects to water quality and aquatic environments when evaluating a pesticide for registration," "The Pesticide Contamination Prevention Act establishes procedures for reviewing and modifying the use of pesticides found in ground water," "The Pesticide Contamination Prevention Act establishes procedures for reviewing and modifying the use of pesticides found in ground water," and the like.

B7-4 (cont.)

Pierce's Disease Control Program Draft Environmental Impact Report: PEER comments

Pesticide Regulatory Program, and various court decisions have held that the agency must comply with the CEQA requirement².

This putative "EIR" assumes a perfect world, in which governmental agencies have complete knowledge of pesticide toxicities in the environment and to human health, complete understanding of toxic susceptibilities of wild fauna and human beings (embodied in US EPA pesticide labels), that training programs are completely effective and turn out faultless pesticide applicators, that warnings will protect "beneficial" insects critical to agriculture, and faultless monitoring programs. To state that the program has no significant impacts because of intended interagency consultations, pesticide-use instructions and training, post "treatment" monitoring protocols, and bureaucratic initiatives, is equivalent to believing that the existence of the California Food and Agriculture Code and the PDCP in CDFA's Plant Quarantine Manual are sufficient to control Pierce's Disease without taking any further action. The revised EIR should take a real-world approach to the project or program, and to natural conditions.

PEER does not agree with the "EIR" preparers that assertions in Chapter 4³ are sufficient mitigations for the protection of water and air quality, avoiding soil contamination leading to water pollution, or preventing undue human exposure to pesticides.

In addition, the "EIR" never considers that GWSS might spread in a manner unforeseen by models (Appendix B), but assumes that all future infestations will resemble those of 1999 through 2001, with pesticide spraying limited to "relatively small areas". A real EIR should consider the possibility that PDCP will not work as anticipated. It also should posit a possibility that experts may not have considered every possible route of GWSS migration and that the PDCP will not totally prevent distribution of GWSS on nursery stock (allowing, for example, such surprise infestations such as the one in southern Santa Clara County), and then consider the possibility that residential pesticide treatments might expand.

II. ADD EIR PREPARERS WITH EXPERTISE IN ASSESSING IMPACTS TO EARTH, SOIL, WATER, AND EXPAND CONSIDERATION OF HUMAN HEALTH EFFECTS.

B7-5

The list of "EIR" preparers (p. 13-1) lacks experts in geology, hydrology, pesticides, chemical toxicity variations, behavior of pollutants in soil, or the effect of toxic substances on human immune systems. The lack of geologic, hydrologic, and soil expertise has produced only superficial assessments of possible water contamination effects. For example, clay particles in soil tend to bind pollutants. If washed into creeks or ponds, the sediment commonly enters the food chain through ingestion by microorganisms, ingestion of sediment and (or) microorganisms by bottom-feeding amphibians and fish. US Geological Survey

B7-6

B7-1

B7-2

B7-3

B7-4

research has shown that the greatest annual contribution of pollution to water bodies is attached to sediment washed into water bodies in the first rain storm of the rainy season⁴.

The putative "EIR" is particularly poor when it comes to meaningful discussion of issues related to these disciplines. In particular, it says very little about human health concerns, even though that is a principal focus of public opposition to the PDCP. This is apparently due to the fact that the preparers include only one medical expert—a state bureaucrat. In preparing the real EIR, the state should find unbiased medical experts with an understanding of current trends in allergic and immune system diseases.

III. EXAMINE CLOSELY RELATIVE EFFECTIVENESS OF PDCP AND ALTERNATIVES

The "EIR" considers 4 alternatives to the PDCP, including a no action alternative. The 3 alternatives to the PDCP program include most parts of PDCP, either omitting pesticide spraying to eradicate new infestations in non-agricultural areas, or substituting some other method than use of synthetic pesticides (alternative C would apply unnamed non-conventional pesticides in non-agricultural areas). The preparers deem all the alternatives unfavorable, largely on the basis that they cannot meet the program goal because they will allow GWSS to spread uncontrollably, leading to increasing spread and impacts due to Pierce's disease, arguing that, as a consequence, private growers would mount massive spraying programs with more unfavorable environmental consequences compared to the PDCP.

Given that private growers are regulated by CDFA's Pesticide Regulatory Program and other state agencies, such as CDPR, and that the regulations are enforced by county agricultural commissioners—the same alliance that implements the PDCP—the "EIR" (p. 8-19) assumes that worse environmental impacts will arise from the 3 alternatives solely because private growers "would not be required to consult with USFWS, CDFG, and NMFS, etc."

The fact is that none of the regulations prevent contamination of air, water, or soil, or pesticide drift onto neighboring properties—as is well known to people living in agricultural areas—and that is what has caused an outcry over the forced spraying of private properties by the PDCP. Even if we believed that consultation in a changed political climate would actually safeguard fish and wildlife, the PDCP does not guarantee that it will take place. For example, wording of the NMFS letter (Appendix N) is tentative: "...if NMFS can provide technical assistance to USDA and CDFA..." suggests that consultation may be optional, and nowhere in the "EIR" do we see a requirement to put state or federal agency recommendations into the public record.

Since the program will spray—and has sprayed—residential neighborhoods with nerve-agent derived pesticides at taxpayer expense, it owes at least those residents (generally all are taxpayers) a full assessment of the effect of those pesticides. Yet "EIR" Appendix B reveals that the actual effectiveness of pesticide treatments is unknown, stating (p. B-20) "At present, there are no proven, effective measures that will reduce GWSS numbers below the point where the pest does not represent a threat of increasing the spread of GWSS", and in regard to treatments with synthetic pesticides (p. B-21) "...it is unclear whether any one or a group of such materials can reduce the transmission of the pathogen to acceptable levels."

B7-6 (cont.)

In Appendix B is the statement (p. B-20) "The true solution is to develop one or more methods to deal with the pathogen..." , then discusses non-pesticide measures, including biological controls; barriers; trap crops; and plant removal; repellents; and IPM programs. The "EIR" finds all of these potential measures to be relatively untested and rejects the various listed approaches (including state-mandated IPM programs) until they can be proved effective—yet Appendix B clearly states that there is no evidence that the synthetic pesticides are highly effective.

In rejecting an IPM approach to Pierce's disease, the "EIR" notes that Texas A&M advocates an IPM program for managing grapevine death from *Xylella fastidiosa* (*Xf*), but "Texas grape growers have lost millions of dollars due to *Xf* infection of their vines." The cited report⁵ does state that Texas grape growers have lost millions of dollars from *Xf*—but over ten years, and although the problem has escalated over the most recent 5 years, the disease is cyclic. The Texas report does not conclude that IPM is ineffective.

In spite of assertions that GWSS can only be controlled and not eradicated, the PDCP and the "EIR" preparers take only a short term approach. The PDCP is designed for use only until research comes up with a better answer, thus eliminating consideration of IPM (except for the pesticide components), financial support for non-toxic vineyard barricades, trap crops, and other longer-term programs. A real EIR should state the facts obvious to all biologists: continual pesticide "treatments" that cannot kill all GWSS in an infested area are more likely to exacerbate the problem over the long term. The surviving GWSS are more pesticide resistant than the ones killed, and thus the treatments generate a Darwinian "selection of the fittest", pesticide-resistant GWSS for breeding superpests.

Given the current state of knowledge, the rejection of broader, combined approaches makes little sense. Clearly, GWSS's are in California to stay and will spread. With one exception (see next paragraph), combining all available approaches is the best hope for control in the long term, and this should be considered a viable alternative in a real EIR, not relegated to a sentence in an Appendix.

The exception is biological control through introduction of exotic insects that prey on GWSS egg masses and perhaps other GWSS life stages). Introduction of exotic predators can have far-reaching environmental consequences and should be thoroughly studied for peril to native biota, with full public information, before such a program is attempted. This comment does not apply to native and near-native parasitic wasps that have already been used to attack GWSS eggs in southern California.

IV. EXPAND TYPES AND SUBJECTS OF PUBLIC INFORMATION

One of the PDCP's 5 central elements is "Public Outreach", which "...serves to raise awareness about Pierce's disease and the glassy-winged sharpshooter, notify people of PDCP activities, and address questions and concerns about the program." (EIR p. 4-13) Further statements make it clear that the public is to be informed so that they can help implement the PDCP. Typical informational sessions for householders and tenants about to be sprayed, attended by PEER representatives, are restricted by the above goals and have the effect of keeping the public from getting clear information about possible health and environmental hazards, and how to deal with the aftermath of pesticide spraying.

⁴ Bergamaschi, B.A., Kuivila, K.M., and Fran, M.S., 1999, Pesticides associated with suspended sediments in the San Francisco Bay During the First Flush, December, 1995, Geological Survey Water-Resources Investigations Report 99-4018B, p. 23-34

⁵ Jim Kamas, Mark Black, David Appel, and L.T. Wilson, Management of Pierce's Disease in Texas: Texas Agricultural Extension Service, publication L-5383, October, 2000

B7-7

B7-9 (cont.)

B7-10

The "EIR" should be revised to define public information to require including all information being gathered by the state and recommendations offered to CDFA by federal and other agencies, and state advisory panels. The results of preliminary, during spray, and post-spray sampling must be publicly accessible on the internet, in a timely manner.

The areas of health concern are restricted in the putative "EIR" to schools, parks, nursing homes, hospitals, senior centers, etc., ignoring the fact that any randomly selected population (a neighborhood, say) may contain children, seniors, adults with known and (or) unsuspected illnesses, and some people with greater susceptibilities to toxic materials (and, indeed to foods and materials that most might generally consider non-toxic) than the statistical average for the general population.⁶ PEER takes issue with the "EIR"'s insinuation that people having low tolerance for chemical exposures actually suffer from anxieties or are somehow to blame for their ailments.

The real EIR should address the need of a public, unknowingly exposed to a multitude of chemicals on a daily basis, for more information about chemicals in the environment. People whose neighborhoods are targeted for pesticide spray, especially, need to know about variable pesticide toxicity in the human environment, and the lack of knowledge about effects of multiple chemical exposures. Parents should be advised on how to protect their children, the children's outdoor play equipment, and toys left outside—and also on how to clean up their yard and play areas following the spray "treatments" to avoid exposure of children and more instances of pesticide being washed into reservoirs or Koi ponds.

Seniors should be advised to get pre- and post-spray blood tests for themselves, and parents should test their children if they have illnesses, allergies, or concerns. These types of information should be specified and detailed in the real program EIR. Monitoring programs should be expanded to screen individuals and monitor impacts on human health. While safeguarding individual identities, the aggregated results of human health monitoring must become part of the public record in a timely manner.

V. EXPAND CONSIDERATION OF CUMULATIVE IMPACTS

The discussion of cumulative impacts in this "EIR" continues the theme of perfect rules, perfectly followed, and rationalizes that such a large amount of pesticide is used, both in agriculture and at residences that the relatively small amounts to be used in the perfect PDCP program couldn't be harmful.

PEER takes no issue with the huge use of pesticides in California, but is unconvinced that the PDCP represents a minor addition—after all, this is a program to take taxpayer money to pay for spraying the foliage around homes of ordinary people in their own neighborhoods. Instead of being an insignificant addition, the spraying represents local additions of pesticide concentrations in places that are not normally exposed to heavy agricultural pesticide applications.

The pesticides of choice against GWSS infestations so far (with unknown but clearly insufficient effectiveness, see IV, above) are carbaryl (a carbamate chemical), imidacloprid, and cyfluthrin, a pyrethroid chemical. The PDCP allows other, as yet unidentified, chemicals

⁶ In recent years, news stories in a variety of publications have suggested the growth of allergies and other illnesses due to immune system deficiencies.

to be used in the future, however. A real EIR should specify that supplemental EIRs should be written to evaluate the possible effects of chemicals once they are named.

Citing the EPA label is an insufficient assessment of the cumulative effects of carbamate chemicals. It is well known that carbamates and organophosphates account for 80% of pesticide poisonings in the U.S.⁷ Carbamates kill insects by inhibiting a key enzyme, cholinesterase, which disrupts their nervous systems. Human brains contain cholinesterase, and carbamates can similarly disrupt our nervous systems. Americans are exposed to carbamate residues on many fruits and vegetables, and the PDCP is adding possible environmental exposures in the yards of Californians.⁸ Because of the large variability of human susceptibilities, and the lack of research into the subject, scientists cannot predict the effects on people who have acquired a complex load of diverse chemicals in their systems.⁹

Imidacloprid and Cyfluthrin (pyrethroid) are both chlorine-containing chemicals. "Basically, any time you have high temperatures and the presence of chlorine-containing chemicals, you have conditions that can spawn dioxins"¹⁰. Dioxins are extremely long-lived and bioaccumulate in soils, in plants that grow in the soils, and in animals (including humans) if they eat dioxin-bearing plants or feed on dioxin-bearing animals.¹¹

Americans show significant accumulation of dioxins in their bodies. Researchers are still divided on the health effects of dioxins, but in 2000, a EPA draft report concluded "that many Americans may have enough dioxin in their bodies to trigger...developmental delays and hormonal changes in men."¹¹ Following extensive reviews, that draft report is about to be issued. Dioxin is a known carcinogen. The dioxins that Americans ingest come from the huge number of chemicals that we are all constantly exposed to—including from incinerator effluent and residues of chlorinated pesticides that we eat with our food. Of all human food, breast milk is now the most contaminated...it's about 10 to 100 times more contaminated with dioxins than...animal-derived fats in dairy, meat, eggs, and fish."¹²

These are the cumulative impacts that a real EIR should include and seriously consider.

Sincerely,

Jane E. Nielson, Ph.D.
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3727 Burnside Road
Sebastopol, CA 95472

B7-10 (cont.)

B7-11

B7-12

B7-12 (cont.)

⁷ eMedicine Journal, June 5, 2001; www.emedicine.com/EMERG/topic346.htm

⁸ www.nrdc.org/health/pesticides/organics.asp

⁹ Rachel's Environment & Health Weekly #653: June 3, 1999

¹⁰ Rachel's Environment & Health Weekly #656: June 24, 1999

¹¹ Science: Journal of the American Association for the Advancement of Science, v. 288, June 16, 2000, p. 1943

¹² Rachel's Environment & Health Weekly #658: July 8, 1999

LETTER B7: JANE E. NIELSON, PH. D., PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

<p>B7-1 A Negative Declaration is an written statement, briefly explaining why a proposed project will not have a significant environmental effect.</p> <p>As stated in the State CEQA Statutes Section 21080(d), “If there is substantial evidence, in light of the whole record before the lead agency, that the project <i>may</i> have a significant effect on the environment, an environmental impact report shall be prepared.” CDFA is aware of public concern about the use of pesticides and therefore provided a thorough analysis of the issues in the Draft EIR for consideration. See State CEQA Guidelines Section 15064(f)(1).</p>	<p>The State CEQA Guidelines define an EIR as “an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project” (State CEQA Guidelines Section 15121(a)). The Draft EIR for the proposed PDCP fulfills CEQA requirements for preparation of an EIR. A Lead Agency must analyze a project’s potential significant effects and identify mitigation measures and reasonable alternatives to avoid significant effects, if found. CEQA does not require that significant effects be found whenever an EIR is prepared. After thorough examination of the potential environmental effects of the PDCP, the Draft EIR found that all of the potential environmental impacts of the PDCP would be less than significant. For this reason, no mitigation measures are recommended in the Draft EIR.</p>	<p>See Master Response 11. In the Draft EIR all references to the proposed PDCP use the conditional tense (“would”), because the program activities described in the Draft EIR are conditional to certification of the EIR and approval of the non-emergency program. As described on page 1-1 of the Draft EIR, the proposed program evaluated in the</p>
<p>B7-2</p>	<p>EIR would be an extension of an ongoing emergency program and regulations required by the California State Legislature to control Pierce’s disease and the glassy-winged sharpshooter. Because the emergency regulations and response program were created in response to an emergency, they are exempt from CEQA. The proposed PDCP evaluated in the Draft EIR, if approved, would be a continuation of the emergency program as a long-term program, with attendant regulations.</p>	<p>The comment states that the PDCP will include mandatory spraying. Pesticide treatment is authorized under the PDCP where local conditions warrant, at the discretion of the county agricultural commissioner. Whether or when such pesticide treatments would actually occur under the PDCP is unknown, and would depend on local conditions. See Master Response 1. The comment is correct, however, that for purposes of analysis it is assumed that pesticide treatment could occur on private property despite the objections of the landowner.</p>
<p>B7-3</p>	<p>See response to comment B7-1.</p>	<p>The comment states that the PDCP will include mandatory spraying. Pesticide treatment is authorized under the PDCP where local conditions warrant, at the discretion of the county agricultural commissioner. Whether or when such pesticide treatments would actually occur under the PDCP is unknown, and would depend on local conditions. See Master Response 1. The comment is correct, however, that for purposes of analysis it is assumed that pesticide treatment could occur on private property despite the objections of the landowner.</p>
<p>B7-4</p>	<p>The comment states that, because the PDCP includes mandatory spraying, the PDCP does not fall within the certified regulatory program for pesticide registration, and CDFA must comply with CEQA. To date, CDFA has carried out the PDCP pursuant to the emergency exemption provision of CEQA. The proposed PDCP analyzed in the Draft EIR would, if approved, replace the existing emergency program. CDFA recognizes that the long-term implementation of the PDCP is subject to CEQA. Indeed, CDFA has prepared the Draft EIR consistent with CEQA requirements.</p>	<p>The comment states that the current PDCP program is reminiscent of previous aerial spraying programs that used malathion to eradicate or control Medflies. Aerial treatment of residential and urban areas</p>

for control of the glassy-winged sharpshooter is not included in the PDCP. The PDCP provides that, where the goal of the local program is eradication or suppression, agricultural commissioners may require growers to treat their crops with registered pesticides. Growers may choose to use aerial application over commercial cropland areas where this practice is allowed.

In 1994, CDFA prepared and certified two program EIRs analyzing the impacts of its fruitfly eradication programs. One program EIR analyzed the impacts of aerial spraying with malathion and bait, and the other program EIR analyzed the impacts of eradication methods other than aerial spraying. A lawsuit was filed challenging the adequacy of these EIRs. The Court concluded the EIRs were adequate. (Pesticide Watch v. California Department of Food and Agriculture (San Francisco County Sup. Ct. Nos. 952258, 961050).)

B7-5

See Master Responses 2 and 11. There are only three dispersal routes for glassy-winged sharpshooter: natural spread by flight of adults, natural spread by adults and nymphs moving from plant to plant without flight, and movement of various life stages on plants and other items that are moved by people. All have been considered in the Draft EIR. The Draft EIR makes no predictions about where infestations of glassy-winged sharpshooters might be found outside the generally infested area. It was disappointing to find glassy-winged sharpshooters in the San Jose area but it was not unexpected by the program. The restrictions placed on nursery stock and citrus have reduced the movement of the glassy-winged sharpshooter via this route but no one in CDFA expects this to be a perfect system to prevent glassy-winged sharpshooter movement.

B7-6

See Master Responses 2, 5, and 6. The comments provided concerning sediment, attached pollutants, and water bodies are general in nature, and not specific to the Draft EIR for the PDCP. Since they suggest a change in general pesticide regulatory policy, they are best directed to agencies charged with that responsibility.

B7-7

See Master Response 11. While a state employee (not a bureaucrat) with expertise in medical toxicology participated in preparing the Draft EIR, discussion and conclusions represent consensus based on literature review relative to health and safety concerns, and consultation with agencies responsible for evaluation and registration of pesticide products, which includes the U.S. EPA and CDPR. In addition to these agencies, CDFA consults with the California Department of Health Services and the Office of Environmental Health Hazard Assessment. The completed document is submitted to these agencies, and comments from other interested parties, including groups and individuals with various expertise in medicine and toxicology is solicited.

For clarification, malathion is not classified as a known carcinogen by the U.S. EPA, nor is it listed as a carcinogen on California's Proposition 65 list of compounds known to the state to cause cancer. The commenter is mistaken the assertion that malathion is a known carcinogen.

B7-8 See Master Response 7. Users of registered pesticides are required to follow label restrictions that include those developed by the U.S. EPA and CDPR during consultations with the USFWS. Only the U.S. EPA or its designee (CDPR in California) can consult with the USFWS about potential impacts of pesticides for the purpose of registration for use. Additional consultation with the USFWS is required when lead agencies authorize, fund or carry out actions which could affect species listed as threatened or endangered by the USFWS (personal communication Scott Sobiech, Branch Chief, Contaminants, USFWS, Carlsbad Office). The consultation process described in the Draft EIR is the informal consultation process established with the USFWS pursuant to Section 402.13 of the Endangered Species Act. The individual carrying out the consultation for CDFA has been authorized to do so by the USDA APHIS State Plant Health Director in California.

As noted in the Draft EIR, the MOU's with CDFG and USFWS describe a process to be used to consult with these responsible agencies about the site specific threats posed by actions taken in this project. This approach is used because unlike typical land use projects, it is impossible to predict where glassy-winged sharpshooter infestations may be discovered. The commenter has “prejudged” the outcome of these consultations by the assumption that incidental “take” will occur. If in the opinion of the responsible agencies, additional measures, including permits for incidental take or monitoring programs, are needed to protect threatened and endangered species or species of concern, then, as noted on page 5.4-7 of the Draft EIR, the agencies would develop them pursuant to the conditions stated in the MOU's. Section 402.13 of the Endangered Species Act specifically allows for modification of actions by the USFWS to avoid adverse effects. The MOU's with CDFG and the USFWS specifically state that if CDFA activities pose potential jeopardy to threatened, endangered or candidate species, CDFA will enter into a formal consultation with CDFG and

USFWS, with the attendant requirement for additional environmental analysis. Prejudging the outcome of future consultations is speculative and fails to acknowledge the authority of the trustee agencies.

CDPR has an extensive program to inform users of the presence and distribution of threatened and endangered species around or on their land. This program also mandates restrictions on pesticide use in these areas.

B7-9 See Master Responses 2 and 7. The full quote is “At present, although ongoing program activities have shown that chemical insecticides can reduce glassy-winged sharpshooter populations, there are no proven, effective measures that will reduce glassy-winged sharpshooter numbers below the point where the pest does not represent a threat of increasing the spread of *Xylella fastidiosa*.” The program goal is to minimize the statewide impact of Pierce’s disease. The strategy is to contain the spread of the glassy-winged sharpshooter. As noted in the full quote, insecticide sprays can do this.

The additional quotes from the Draft EIR clearly show that at present we do not have the data to show that pesticide sprays or any other tactic or combination of tactics can reduce glassy-winged sharpshooter numbers to a level that will prevent the transmission of *Xylella fastidiosa* by the pest. CDFA agrees with this assessment. Note that the goal of this program is to contain the spread of the pest until research can develop such measures. Based on the results from the sites currently being treated under the emergency PDCP, the program is achieving its goal.

CDFA, USDA, University of California, Citrus Research Board and American Vineyard Foundation are funding research into numerous control methods (see Appendix T of the Draft EIR) aimed at both the

glassy-winged sharpshooter and *Xylella fastidiosa*. The goal of these projects is to develop one or more techniques to limit the impacts of the pathogen on California grapes, almonds, oleanders, and other susceptible crops.

IPM programs use a variety of tactics to reduce pest numbers below economically damaging levels. In the opening paragraph the Texas A&M University report states “The single greatest threat to the production of susceptible grape cultivars in Texas is Pierce’s disease. Since 1990, it has caused millions of dollars in losses to the state’s wine industry and has moved into areas previously unaffected by Pierce’s disease. The problem has escalated in the past five years, in part because of a series of warm winters that accelerated the rate of spread and winter survival of the disease.” Nowhere in the Texas A&M University Report does it state that following the recommendations therein will eliminate either the vectors or the pathogen from the vineyards. Discussions with James Kamas of Texas A&M University, an author of the report, confirmed the statements in the report. *Vitis vinifera* grapes cannot be grown in much of Texas because of the presence of Pierce’s disease. The problem was made worse by mild winters. There is no cure for the disease and the management practices recommended by the university slow, but do not prevent the spread of the disease within the vineyards. The reason is noted in the Draft EIR on page 8-12: a single *Xylella-fastidiosa*-infected glassy-winged sharpshooter can infect multiple vines and no IPM program is geared to the total elimination of the target organism. All the experts with whom CDFA talked (Alexander Purcell, University of California at Berkeley; James Kamas of Texas A&M University, Russell Mizell of the University of Florida) agree that the long-term solution is to find a way to deal with the disease, while the short-term solution is to keep vector populations to a minimum.

The threat of glassy-winged sharpshooter developing resistance to one or more pesticides is real. Current label restrictions imposed by the U.S. EPA, CDPR, and the company that developed the new materials are designed to reduce the potential of resistance developing in the target populations. University of California guidelines for pesticide use in IPM programs are also designed to reduce the potential of resistance developing in the target populations. Although these may not prevent the development of resistance, they greatly lessen the speed with which it develops.

Other options besides pesticides are being researched (see Appendix T of the Draft EIR) and would be incorporated into the program if shown to be effective. Biological control is being used and research is being conducted to find more useful agents (see Draft EIR pages 8-7, J-1 and K-1).

B7-10 See Master Responses 2, 3 and 11. The purpose of the Draft EIR is to examine environmental impacts specific to the proposed program. Based on careful consideration of the manner in which pesticides are to be used in the program, and potential exposures of both people and the environment, no significant impacts are anticipated. This does not imply that the materials that may be used are without hazard in and of themselves. Safe use and handling procedures are required. These considerations are elaborated on in Appendix P of the Draft EIR. The CDPR conducts all environmental monitoring and sampling. Results of these tests are posted on the CDPR web site as soon as they become available.

B7-11 See Master Response 2. CDFA defers health monitoring to state and local health agencies. Based on the nature of program pesticide use, there is no medical circumstance that would require monitoring as

suggested. Anticipated exposures are well within those commonly encountered from applications on an ongoing regular basis.

- B7-12 See Master Responses 1, 2, 5 and 6. Acute poisoning requires amounts that greatly exceed exposure potential from applications by the PDCP. None of the pesticides are known to exhibit cumulative toxicity or delayed toxicity. Theoretical possibilities of reactions with program pesticides and other chemicals in the environment are speculative, and therefore not included in the Draft EIR. If a new pesticide material proposed for use in the PDCP were to exhibit effects or impacts substantially different than those discussed in the Draft EIR, a new or supplemental document could be required. As noted in Chapter 7 of the Draft EIR, based on the proposed application frequency and rate of application, no cumulative impacts are anticipated.

Pesticide Disease Control Program
Environmental Review Panel
Public Comment on EIR, Open 5/18
April, May, 2002

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You may also mail your comments to:
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For comments must be received
no later than May 17, 2002.

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State of California
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For comments must be received
no later than May 17, 2002.

- * Biocides and other substances that may affect human health, especially children, pregnant women, and the elderly, should be avoided. Your participation
is very important to our community.
- B8-5 Biocides have no significant
study?
"Embarrassingly, states that decimating bees, butterflies (monarchs),
birds, beneficial insects + pollinators place only second in
convenience to organic growers?"
I did recognize that Mono culture, monoculture farming
causes far greater damage to the earth than bio-
diversity sustainable farming practices.
- B8-6 Deliberately sham discussion about non-chemical
alternatives?
Violates the 1995 Farm Act and the Federal Clean
Water Act that mandates alternative sustainability
assessments + practices?
- B8-7 Violates the 1995 Farm Act and the Federal Clean
Water Act that mandates alternative sustainability
- B8-8 Violates the 1995 Farm Act and the Federal Clean
Water Act that mandates alternative sustainability
- B8-9 Violates the 1995 Farm Act and the Federal Clean
Water Act that mandates alternative sustainability
- ii.B. This section of inadequacies, uncertainties and violations
completes us to demand:
- i.) Full campaign finance + lobby disclosure of known v.
Known' defendant's name and ENTERPRISE, who places
Resale has existed since 1992's;
 - ii.) That known' David and Goliath decide a. Health
Emergencies instead by people with private industry
Parade Finance, Asthma, Supps, M.S., AIDS, etc.

- B8-10 Comments on the Draft Environmental Impact Report (EIR)
The California Department of Pesticide Regulation (CDPR) prepared a Draft EIR for the
Proposed Clean Control Program (CCP). CDPR invites you to provide specific comments on
the substance of the EIR. Responses of the Draft EIR should focus on the sufficiency of the
information in identifying and analyzing the potential environmental impacts of the CCP.
Information is available and available at the proposed environmental impacts of the PDCP.
- B8-11 WB. The results of inefficiencies, inconsistencies and violations
impose no to eliminate:
3) Enactment of the CEQA "NO PROJECT" Alternative
until "all" feasible, health, impacts and consequences
get address, especially in relationship to offense
System, compromised individuals.
- B8-12 That we conclude from this EIR is evident that
protecting industry profits supersedes protecting
our health? _____
And that we can hardly claim you with : RECKLESS
PUBLIC ENDANGERMENT ! ! !
- B8-13 Have you Captain Morgan not learned:
Honest and did not leave the list of life...
We remain merely a strand in its...
What ever you do to the Web,
You do to yourself... .
- DO NO HARM ! ! !

**LETTER B8: WILLOW WALKING TURTLE KELLEY, M.S.,
CITIZENS FOR SAFE ACCESS TO ESSENTIAL
SERVICES AND SAFE MILIEUS**

B8-1 See Master Response 2. Chapter 5.2 of the Draft EIR addresses the potential effects of hazardous air emissions related to the use of pesticides in the PDCP.

B8-2 See Master Response 2. As noted in Appendix P of the Draft EIR, toxicity is dose related. As explained in Chapter 5.2 of the Draft EIR, the amounts of material measured in the air in conjunction with pesticide applications specifically for the PDCP are well below concentrations associated with adverse reactions. Mere presence does not indicate a significant impact.

B8-3 See Master Responses 3 and 4. Legal review has found that the PDCP is not in violation of the Americans with Disabilities Act (ADA).

B8-4 See Master Response 2. Potential impacts on workers, the public, and the environment from pesticide use in the PDCP were considered and discussed in the Draft EIR.

Studies of childhood cancers in the McFarland region have not identified any etiological associations for the unusual incidence of specified health conditions observed there.

The chart the commenter is referring to is reproduced as comment B1-3 in this document. Several statements regarding the chart are incorrect. The chart was not published by the National Cancer Institute, U.S. EPA, OSHA, the National Academy of Sciences, or the Office of Technology Assessment. Rather, the chart lists these as sources of information. As shown on the bottom center of the chart, the concept for the chart was developed by Stephen Tvedten (www.getipm.com), and the design

by Linda L Jensen-Pascarella (www.safe2use.com). Also shown on the bottom center is “©1999, 2000 Safe2Use,” which indicates that the chart was published by Safe2Use, not the government and non-profit institutes stated by the commenter. The Safe2Use website sells “non-toxic products and services” and provides information and opinion on pests and pesticides.

B8-5 See Master Response 10. The issue of impacts to non-target species is addressed on pages 5.4-10 and 5.4-11 of the Draft EIR. Decreases in non-target insect populations would be temporary and limited to localized application sites. No adverse effects to vertebrate species (birds) are anticipated (see page 5.4-8 of the Draft EIR).

B8-6 The proposed PDCP evaluated in the Draft EIR does not propose or directly encourage any particular approach to farming.

B8-7 See Master Response 7. CDFA examined a number of alternative control methods (methods other than the use of conventional pesticides) for controlling the spread of the pathogen *Xylella fastidiosa* and its vector, the glassy-winged sharpshooter. Each method is discussed in Chapter 8 of the Draft EIR along with an evaluation of its possible effectiveness, strengths, and weaknesses and the potential environmental impacts of its use.

B8-8 The PDCP as proposed would comply with all applicable federal and state laws and regulations.

B8-9 See Master Response 8.

B8-10 See Master Response 2. The No Project Alternative is analyzed and described in Chapter 8 of the Draft EIR. It should be noted

that, as stated on pages 8-13 to 8-17, without a coordinated statewide program, the glassy-winged sharpshooter and impacts from an increased infection rate of *Xylella fastidiosa* in susceptible plants would spread to new areas of the state. As a result, overall use of pesticides by growers could increase to protect individual properties from the effects of *Xylella fastidiosa*. As described in Chapter 8 of the Draft EIR, the proposed PDCP is the environmentally superior alternative that meets the program goal of minimizing the statewide impact of Pierce's disease.

B8-11

See Master Response 11.

**LETTER
B9**

May 8, 2002

**LETTER B9: HECTOR BEDOLLA, SONOMA COUNTY GRAPE
GROWERS ASSOCIATION**

Ms. Susan Stratton, Ph.D.
Real Estate Services Division
Department of General Services
State of California
PO Box 989052
West Sacramento, Ca 95978-9052

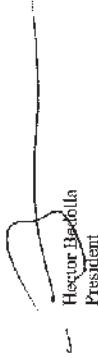
RE: Comments on Pierce's Disease Control Program Draft EIR

Dear Ms. Stratton:

The Sonoma County Grape Growers Association represents over 600 members in Sonoma County. Winegrape sales from the county's 56,000 grape acres were \$374 million in 2001, and those represent 65% of all farm revenues. Pierce's Disease affects Sonoma County vineyards each year due to transmission by the bluegreen sharpshooter. Thus we are very concerned about the potential impacts a GWSS infestation might have on grapes as well as native and landscaping plants on which it feeds.

We support the conclusions drawn in the Draft EIR, and do not feel the Pierce's Disease Control Program proposed will have significant environmental impacts. In fact, the bluetag inspection program is critical in preventing the spread of GWSS and its success avoids the need to treat for this insect pest.

Sincerely,



Hector Bedolla
President



P.O. Box 1959 • Sebastopol, California 95473-1959 • (707) 829-3963

**LETTER
B10**



Phillaaur Corporation

May 9, 2002

Mrs. Susan Stratton
Real Estate Services Division
Department of General Services
State of California
1102 O St., Suite 5100
Sacramento, CA 95814

Dear Mrs. Stratton:

Subject: Draft Environmental Impact Report Pierre's Disease Control Program

After careful review of your Draft Environmental Impact Report (DEIR), I would offer the following comments:

A statewide emergency currently exists; the control of Glassy Wing Sharp Shooter (GWSS) and its eradication are imperative. The pesticides used for control of the GWSS can be applied safely, with no impact to humans.

Rural and urban areas must both be treated to eradicate any GWSS infestation.

Agriculture cannot survive in California if GWSS becomes established. Recent control efforts in Sacramento County have shown it is possible to eradicate GWSS infestations safely in urban setting.

The DEIR mentions the impact to urban areas if GWSS were to become established. The quality of life would be greatly reduced by the constant sticky mist excreted by the GWSS. The constant rain would render yards useless and mean a complete change in the lifestyle for urban dwellers. These impacts on urban dwellers from GWSS infestations need to be more thorough explanation in your DEIR.

The impact of loosing production agriculture to GWSS infestations cannot be tolerated. What quality of life would exist if California agriculture were to disappear? The current course of aggressively spraying new infestations of GWSS in any setting is the only alternative.

The California Department of Agriculture and the State Agricultural Commissioners are to be commended in their efforts to eradicate GWSS to date.

Sincerely,
[Signature]
Richard S. Samra
President

LETTER B10: RICHARD S. SAMRA, PHILLAUR CORPORATION

B10-1 Comment noted.

See page 3-20 of the Draft EIR. Sharpshooter rain is a nuisance to humans and a potentially damaging problem to plants. The rain (excrement) is mostly water with a few sugars, minerals, and proteins. It is not as sticky as the honeydew excreted by aphids, scales, and whiteflies, as honeydew originates from the phloem cells of plants and has a much greater concentration of sugars in the fluid. Sharpshooter rain wets the surfaces of plants on which glassy-winged sharpshooters are feeding. If severe, owners may treat or remove the plants to eliminate the problem. Sharpshooter rain is another reason why allowing the glassy-winged sharpshooter to spread within California is undesirable.

B10-2 Comment noted.

B10-3 Comment noted.

B10-1

B10-2

B10-3

LETTER
B11

RECEIVED
MAY 13 1992
GENERAL SERVICES
REAL ESTATE
DIVISION

LETTER B11: CITIZENS FOR SAFE ACCESS TO ESSENTIAL SERVICES AND SAFE MILIEUS

- | | |
|-------|---|
| B11-1 | Comment noted. |
| B11-2 | Comment noted. |
| B11-3 | This chart is referenced by the commenter in Letter B8, comment B8-4.
Response to that comment is provided with Letter B8. |
- Citizens for Safe Access to
Essential Services and Safe
Milieus*

*Our right to a healthy environment
should come before Wine Profits.*

B11-1

Boycott Loon...

*Organic Sustainable Farming remains
the solution not the problem!*

WARNING: Síntomas de la Exposición de Pesticidas

*When Used as Directed
Pesticides Kill*

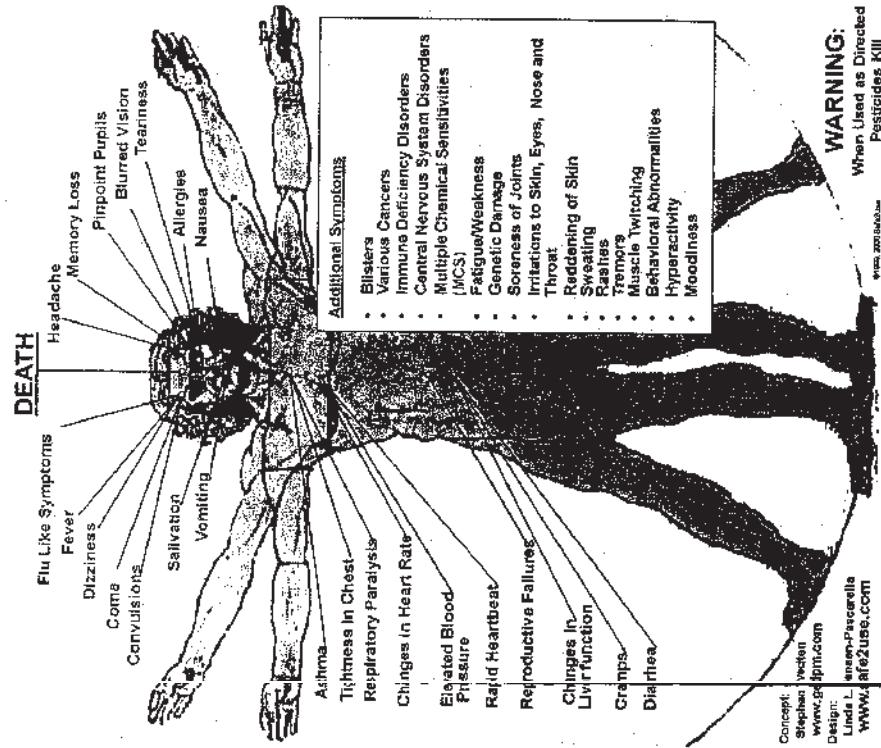
- Síntomas parecidos a la gripe
 - Fiebre
 - Mareos
 - Coma
 - Convulsión
 - Saliva excesiva
 - Vomitos
 - Asma
 - Problemas al respirar
 - Cambios en ritmos del corazón
 - Presión de sangre elevada
 - Latiendo rápido del corazón
 - Problemas con el sistema reproductivo
 - Calambres
 - Diarréa
 - Dolor de cabeza
 - Perdida de memoria
 - Problemas a la vista
 - Alergias
 - Náusea
 - Ampolla
 - Cancer
 - Deficiencia del sistema inmunológico
 - Lesiones al sistema nervioso
 - Debilidad
 - Irritación de la piel, los ojos, nariz y garganta
 - Picazón
 - Scalpullido
 - Sudor excesivo

*WARNING:
When Used as Directed
Pesticides Kill*

First and Foremost DO NO HARM!!

Symptoms of Pesticide Poisoning

sources: National Cancer Institute, National Academy of Science,
Office of Technology Assessment, EPA, OSHA



WARNING:
When Used as Directed
Pesticides Kill

www.epa2use.com

www.epa2use.com</i

**LETTER
B12**

RECEIVED

NOV 13 1997
GENERAL SERVICES
DEPARTMENT
REAL ESTATE SERVICES

No Barriers
P.O. Box 518
Kenwood, Ca. 95452
Jane Levin
Program Coordinator
707-833-1193
5/19/02

Ms. Susan Stratton
Real Estate Services Div.
Dept. of General Services
State of California
PO Box 989052
West Sacramento, Ca. 95798-9052

Dear Ms. Stratton,

I am a member of the No Spray Action Network in Sonoma County and after reviewing the Pierce Disease Control Program, I have worries about what is considered "no significant impact" on the environment and humans. To my knowledge, mandatory spraying will be detrimental to my health and my animals. I live next to a school, so when one talks about spraying when no one is there for less of an impact, my neighbors and myself will be affected. Another concern for myself is that I have Chronic Hepatitis C and toxins from the air and in the environment do have an impact on my already jeopardized liver. So, even though I am not a senior citizen or living in a hospital or school, I am concerned about this. I live in Kenwood and am already part of an agricultural community that wants to deny they are putting toxins in the air and refuse to let the community know when they are spraying. This confirms to me that there is denial about the seriousness of the pesticide issue. I chose to live here, I realize, but shouldn't we be advocates to our own health? It is a known fact that the wineries and other agricultural areas have been using too many dangerous chemicals and are now starting to be held accountable and the government is creating mandatory outbacks or chemicals.

Please contact me if there is anything I can do to support my stand on this issue.

Sincerely,

Jane Levin
Jane Levin

LETTER B12: JANE LEVIN, NO BARRIERS

B12-1 See Master Responses 2, 3, and 11. As indicated in the Draft EIR, no significant impacts to humans or the environment are expected to result from the use of pesticides in the PDCP. For persons who are nevertheless concerned, pre-treatment notification provides the opportunity for them to take whatever additional precautions they may choose to take.

Individual health concerns are best discussed with a qualified personal health care provider.

B12-2 See Master Response 2. CDFA is not aware of any evidence supporting the statement concerning overuse of dangerous chemicals. Regardless, as indicated in the Draft EIR, by preventing the establishment of the glassy-winged sharpshooter in new areas, the proposed PDCP would help minimize the amount of pesticide used in agricultural areas.

B12-1

B12-2

LETTER B13



LETTER B13: KAREN ROSS, CALIFORNIA ASSOCIATION OF WINEGRAPE GROWERS

May 13, 2002

Mrs. Susan Stratton, Ph. D.
Real Estate Services Division
Department of General Services
P.O. Box 989052
West Sacramento, CA 95798-9052
Dear Ms. Stratton:

RECEIVED

MAY 14 2002

GENERAL SERVICES DIVISION
REAL ESTATE SERVICES DEPARTMENT

B13-1

Comment noted.

**CALIFORNIA
ASSOCIATION
OF
WINEGRAPE
GROWERS**

CAGW OFFICERS

Stephen Shaffer, Chairman
Derrick R. Duke, Vice Chairman
Steve Quisenberry, Jr., Chairman
Ronald Jarchow, Vice Chairman
Steve Murphy, Secretary
Karen Ross, President

The California Association of Winegrape Growers (CAGW) supports the findings of the Draft Environmental Impact Report for the Pierce's Disease Control Program of the California Department of Food and Agriculture. CAGW represents growers producing in excess of sixty percent of California's grape tonnage crushed for wine and concentrate.

The serious threat presented by the Glassy-winged sharpshooter (GWSS) and its ability to spread Pierce's Disease to grapevines required an emergency program. The timely decision to commit substantial resources to a detection and control program was critical. It was necessary to take every precaution available to prevent the movement of the GWSS because it is unlikely there will be a quick solution discovered to cure Pierce's Disease.

The complexity of this insect-disease problem demands an ongoing comprehensive control program to prevent an increase in the occurrence of the GWSS and stop the spread of Pierce's Disease to new areas of California. The California Department of Food and Agriculture staff and County Agricultural Commissioners have proven competence in pest/disease quarantining and control programs. We believe the proposed Pierce's Disease Control Program's (PDCP) central elements of public outreach, statewide survey, contain the spread, local management and rapid response, and research, address the needs of a long-term program.

One of the biggest concerns for the public is the potential use of pesticides to control the GWSS. We believe, however, that without a comprehensive statewide detection and treatment program to control the insects' movement that pesticide use could be much higher on individual properties if growers and nurseries fail the need to treat as a preventative measure. The draft PDCP EIR appropriately addresses the pesticide concerns that were raised during the scoping sessions.

Given the economic devastation that could result from the spread of Pierce's Disease carried by a small population of infected GWSS, there are regions of this state that cannot afford any chance of GWSS being brought in on nursery stock or any other means. We believe the PDCP EIR will allow the state to continue an effective program to assure the control of GWSS and Pierce's Disease while protecting California's environment and public health.

Sincerely,
Karen Ross
Karen Ross, President

553 UNIVERSITY AVENUE, SUITE 230 • SACRAMENTO, CA 95815-0511
PHONE (916) 924-5370 • TOLL FREE IN CA (800) 241-1800 • FAX (916) 924-5374 • E-MAIL: karen.ross@cwgc.org • WEB SITE www.cawg.org

Representing wine and grapefruit grape growers.

**LETTER
B14**

May 15, 2002

Draft EIR-Comments

Ms. Susan Stratton, Ph.D.
Real Estate Services Division
Department of General Services
State of California
P.O. Box 989052
West Sacramento, CA 95798-9052

Dear Ms. Stratton,

I have a local group in my coalition that got together and worked on this presentation. My signature will be on it for the response. Other documents from another sub-committee are included in the enc. I did not have time to integrate the documents. Please note I have highlighted in 16pt size most of my questions for CDFA. If my comments are within a document they have been put in parentheses.

It is unbelievable in a time of a real emergency and threat to our nation in the form of terrorism, that any member of the CA Legislature would consider using Emergency funds to help the wine industry, when there has been no true devastation in Temecula, that Pierce's Disease has been around a hundred years, that GWSS is not the only vector of the disease, and growers can plant crops not affected by the Pierce's Disease strain in their area. What would happen if a terrorist hijacked plane hit a skyscraper in LA, or a sports arena in San Francisco, or the Golden Gate Bridge? What would happen if the big earthquake off a metropolis again? We need to save emergency funds for real emergencies. The CA legislature and the Governor are making a dangerous mistake wasting our tax dollars on this project.

I have enclosed as the first document, my letter to the legislature that is brief summary of my concerns.

Please note that my request for an extension was denied. Therefore if my document appears too long, confusing, rambling, repetitive, with many errors it is because of the lack of time I had to prepare as a disabled person with brain injury. Due to my disability I have not been able to read the entire document. Therefore under the ADA my rights have been violated. I have to work piece by piece and respond. I couldn't physically read such a large document in the time allotted. I received my copy of the EIR about a week after the first letters came out.

I have never felt so overwhelmed in my life, my life, my health, my son's life, my son's health are all at risk, the personal suffering as you are all well aware of is evident. To ruin my safe organic accessible yard, the only place I have where I am reasonably safe, and my precious organic food, the real financial value of my property and my food, and

1

suffering is substantial. Not the mention the cost I have endured trying to present my concerns and the anguish we feel in trying to protect our right to life, liberty and the pursuit of happiness.

I know what it's like to be on the run searching for a safe, non-toxic place to live, spending your life barely breathing, in constant pain. Yes, I have anxiety; I also have no fear. I know what death from lung constriction will be like. I was saved once. I have unlimited courage. Something happens to you when you are threatened, you either run or fight. I'm fighting. I'm staying. If I'm staying, I will try to go to any of my coalition member's property that is being sprayed against their will and garden for free in their yard two hours after you spray. I will bring my television camera. You better get some sound science before you play Russian roulette with sick people's lives and make erroneous statements about safety.

That pesticide applicator could be sued and for millions if the residue isn't gone in two hours and causes worsening of my condition, or if pesticides drift comes on my property and triggers illness. These fine particle levels I believe have the very real risk of adversely affecting my health. If I garden within two hours after you spray I may need an ambulance, we will test CDFA's and Dr. Kurtz's belief against mine of no reasonable harm on disabled people. We are recognized disabled with chemical intolerances and you ignore federal government recognition of our condition/disability requiring avoidance of chemicals.

While you monitor the bug, we will monitor us. We will video record it. Take skin swipes as I work in my freshly sprayed fruit trees. Record my breathing and other functions. I have had difficulty finding Civil Rights lawyers to help us, Injury lawyers are more available. If injured and I sue, due to the publicity of a law-suit and financial risk, no pesticide applicator in the entire state will want to spray in any non-agricultural State spray program. You will have to use your own employees. Look to New York. When they put the request for bid for pesticide applicators for the mosquito abatement program, none applied. Imagine it would only take 4 or 5 people like me to sue to wipe out all the funds allocated to date for GWSS. This PDCP threatens me; I do the same to you. You lie about my safety, you deliberately treat medical professionals as unqualified to make decisions about their patients, you have no proof of safety for anyone, yet you dismiss the entire medical profession that actually works with real chemically injured patients and claim my doctors are incompetent wrong when diagnosing chemical injury. In fact you imply that you know all the people in this nation have never had a toxic dose to anything. You haven't even required the full product to be tested. I have suffered too much, I bother no one, I am trying to live my life, and enjoy what's left and you threaten it all.

You want me to trust you, I will. I need a complete medical check up anyway that will form a new baseline. You better think twice about coming near anyone in my condition. We are fed up with being the acceptable risk for the profits of industry. How dare you threaten my sick disabled child, for him nothing is too much for me to try to make the world safer non-toxic place for him.

2

B14-1

B14-2

B14-3

B14-4

B14-5

**B14-4
(cont.)**

3

So while I won't have the time to go through your entire EIR; I think I have made it very clear this pesticide trespass will be playing Russian Roulette with my life and the lives of others. I will not let these poor, sick and dying, disabled people suffer without a fight. You will not make them homeless and get away with it. There will be a documentary. If you spray their yards, if invited, I will be their gardener two hours after your spray. We will not break any laws, there is no appeal process. CDF A has made if very clear that they consider us insignificant needing no mitigation. We will test your belief of safety against my belief of harm (which my doctors diagnosed). The Governor of this state will be known at the one who sprayed in communities where sick and dying disabled people lived and caused their suffering. Maybe he'll even kill one or two.

**B14-5
(cont.)**

I have been assured that anything I send in late will also be included in the final EIR. I assume no late document will receive a response. Were you trying to trick me, into sending it in late only to tell me later that it would not be reviewed because it was past the deadline? That's like the CDF A attorney suggesting while I was on the task force to focus on anecdotal evidence, something I now read is never considered. There are so many misleading statements; there is no honesty or integrity in this EIR and perhaps much of this agency. You all work for the preservation of the chemical /Agri-industry and are willing to lie to politicians about our safety. Or is it the politicians that design programs to give millions of tax dollars to your industries, they don't care who they harm, I believe it's also possible that they tell you to lie to us. Why else does Governor Davis fail to answer any of our concerns? It can only be because he loves and will protect wine and doesn't care to know the people that are the acceptable risk for his pet project.

I am aware of the intent to possibly murder or harm me with the forced use of pesticides and no hope of an appeal. The threat of forcing chemically intolerant people from their homes until the residents are gone to prevent life-threatening incidents or a worsening of our health is a holocaust to the 1 million chemically intolerant people of California and their families. Not to mention the other millions of chemically sensitive Californians that will be adversely affected with flu-like symptoms, headaches, nausea, difficulty breathing, that may or may not make the connection between health and exposure of your pesticides. That's why you don't tell them the symptoms of pesticide poisoning. You don't want to know how many people experience these symptoms.

I feel like a Jew during the Holocaust, when the German government hid the murder of innocent citizens, fabricating lies and misleading statements about them. CDF A has no moral ethics falsely claiming anyone's safety especially those who are sick. We are the acceptable risk, we will not be quiet. The lie that we the sick and chemically injured people are protected should inspire the legislature to never allow toxic chemical trespass as a control program for any Ag Enclosure. This isn't even an emergency. The Dept. of Food and Ag has no qualified people to determine the effect on sick Californians when using the full product. Never should the Dept. of Ag be responsible for the monitoring pesticide poisonings. There is a conflict of mission.

4

the wine industry to tell CDF A what they wanted. Taxpayers would be amazed, how well agencies serve businesses. No one ever asks us, the disposable sick people what we want. On Oct 31, 2001 Social Security recognized MCS as a medical determinable impairment.³ While major studies of the effects of pesticides are not done on any disabled population, it is imperative that CDF A do not single out the one million Californians affected with MCS or similar disease as not having enough proof of harm. Federal court has decided that pesticide free homes/grounds are a reasonable accommodation. See Legal documents in the enclosures.

**B14-7
(cont.)**

We have our own CA cleaner air disability sign which gives us fragrance free and pesticide free access.⁴ The fact is that we have not been adequately studied because of the chemical industry's infiltration into every aspect of government and research centers preventing dollars to find the cause of cancer, the cause of Parkinson's, the cause of asthma, the cause of learning disabilities, and the cause of Multiple Chemical Sensitivity. The chemical / pharmaceutical industry influences medical journals, harasses scientists publicly that dare challenge them.

B14-6

Thanks to programs like Bill Moyers, the American People will know the truth about the risks our government takes with our health, all for the protection of the chemical and other industries. Americans will someday soon be voting to protect their health and the health of their children and grandchildren.

My written request to you that the new State of California Cleaner Air Disability Sign and accompanying requirements be used at EIR GWSS meetings, or new meetings scheduled has been denied. CDF A has inappropriately determined what is adequate access for a disabled population protection without proper dialog or our approval. Setting up a scent free section, is helpful but does not reasonably insure our access. Just like smoke free sections didn't work, some how chemical fumes and smoke travel. I personally experienced difficulty breathing due to fragrances at the Sacramento meeting became so dizzy that you provided a chair for me to speak sitting down. I appreciate your kindness, however when I can't breathe my thinking is also impaired. Once removed from the scented persons area my breathing returned to a more normal rate.

B14-8

However, a scent free section is the same as a smoke free section, it's better but not reasonable guarantee of access. Since the last meeting, I noticed no scents. I will not file a discrimination complaint due to lack of access into meetings. I do thank you for your efforts. I just don't understand how you think that your pesticides will affect me less than a few people wearing fragrances to a meeting. However, I am requesting a response to including the cleaner air disability sign at any STATE meetings that include a non-agricultural spray program, which would be of interest to this disabled group. I intend to file a discrimination complaint in regards to the EIR and Emergency Plan.

¹ Memo from Albert Donny, Oct 31, '03.
² See various legal documents
³ California Cleaner Air Signage and regulations

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Traveling home from Sacramento, I became poisoned by fine particle pesticides in the air (since there was no traffic or excessive truck/car exhaust). I maintain that Route 5 is not accessible to disabled people from routes Stockton to Route 41.⁵ The Air quality needs to be monitored for fine particulate matter regarding pesticides. If I didn't have my pesticide respirator and my air cleaners, I could have possibly died due to lung constriction. My son was also impacted by the poor air quality. I could not smell any pesticides nor could I see any pesticides. I only know they were there because of my severe life-threatening symptoms that improved substantially when I got away from the fumos on route 41 where the traffic actually increased in closeness to my vehicle...

My lungs are continuing to burn and I will seek to obtain portable O2 before venturing anymore from my safe house. I have not heard any response if the Cleaner Air Disability sign/accommodations will be used in the future. To protect my lungs from legal pesticides in the air that burn my lungs, please provide the option of access via telephone conferencing. Since I doubt you can make highway 5 accessible to people with similar life-threatening lung disorders. In all fairness I had a similar but as serious incident regarding the car/truck pollution in the San Jose area. There were no farms around, but the traffic was awful. **Please have CDFA respond to this written request for the cleaner air disability sign and telephone remote access to meetings.** Once a meeting date and location is set and the invitations sent out, it is too late to make the needed accommodations on a case-by-case basis.

Disabled people decided not to attend the meetings due to their poor health and lack of safe access. I had a phone call on Monday May 13, 2002 of a Canaries No Acceptable Risk Coalition member (see www.noacceptability.com) that got the EIR document and couldn't tolerate the ink. She was not able to read the document because of sensitivity to the inks. She called me for help, I offered the small version graciously provided by CDFA, but she doesn't have access to a computer that can accept that document. In reality she is disabled and she doesn't have access to the meetings, (even with the cleaner air sign) she is too sick to attend) and she doesn't have access to the document due to the inks. She tried to find someone to read her parts. You have no idea how serious a threat this program is to some very sick people forced to live extremely, restrictive lives. We will not go down without a fight.

It is very sad for me to face the reality that I cannot risk leaving my safe home as much as I would like. It's ironic that those who CDFA considers insignificant disposable human beings are legally disabled and the sickest most vulnerable population are with the PDCP potentially denied access to home and community and potentially their right to life. CDFA has no interest or expertise in truly evaluating the real risks to public health especially those sick individuals that qualify for disability. As a lay person who has volunteered countless hours to communicate these concerns I am deeply troubled and feel that there must be hatred inspired by the chemical industry and politicians, for people, who are sick and sensitive to pollutants, to be treated so horribly in the EIR as disposable

6

potentially murdered human beings. Why don't you measure the pesticide levels in the Air on Route 5 near the farms. I assumed I must have breathed levels in the parts per trillion level, and see if that level is there and see what exposure level it takes to almost kill me.

As the non-governmental public health representative on the State of California Dept. of Food and Agriculture Glassy Winged Environmental Task Force I clearly and repeatedly brought the disabled endangerment issue up, my words were altered and my documents not included in the GWS Environmental Task Force recommendations. It is obvious to me that the omission of the impact of PDCP and Emergency Rapid Response Plan on the most vulnerable populations the sick/disabled is a deliberate, intentional, hostile act against disabled people, causing great distress among us who are informed about the reality of the forced spray program in our disabled chemical free homes/properties. Disabled rights, needs, and access have been flagrantly ignored, and not mitigated under the guise of a fabricated emergency. **We are outraged as being classified as insignificant human beings and our suffering and potential death acceptable for the sake of cheap wine. This is discrimination that won't be tolerated.**

I must also note that I was once a healthy person and exposure to pesticides (Dursban) and other chemicals has resulted in my life-threatening disabling condition.⁶ I advocate for all the healthy people who CDFA and the EPA have no idea how the full product and all the other products in our lives will effect the strongest. I find no evidence of safety for anyone. To put it simply, CDFA and the EPA don't test the full product, leaving out the often secret more toxic inert ingredients.

To take away any citizen's right to avoid pesticides is a criminal act. No Pesticide should ever be used by any agency in non-agricultural areas. Buffer zones of one mile or more are needed to protect residences and farm workers need better protective gear. Only sustainable solutions should be used in any emergency program, regardless of the increased cost or multiple methods needed.

Please note the CALIFORNIA CIVIL CODE SECTION 43-53

B14-10

4.3. Besides the personal rights mentioned or recognized in the Government Code, every person has, subject to the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm from personal insult, from defamation, and from injury to his personal relations.

I remind you everyone has a right not to be harmed nor restrained from accessing our properties especially due to our disability as documented by our medical physicians. If all the crops were lost in CA. We could buy our food and booze elsewhere. No one needs to die for the sake of CA Agri-business.

B14-9

⁵ Pesticide Poisoning complaint not included at this time

⁶ EPA Recognition and Management of Pesticide Poisonings, page 37

I have to quote an article in the May 13, 2002 Tribune from Associated Press. The entire Bart Project has been halted because of a dead garter snake that is endangered. "State Wildlife officials ordered work stopped Thursday after a worker found a dead (endangered) snake. Another (endangered) snake was found dead last fall. It stopped construction for 18 days and cost Bart 1.07 million." "Wow can you believe this? Garter snakes have better protection than humans, I imagine if I die while you spray no one will stop this program, no one will bother to find out if fine particle pollution killed me. How can people get on the endangered species list? Where can I get these snakes for my garden? I would like to provide protective habitat, I have lots of food to offer and a truly non-toxic non-harassed life style. There is lots of food for them on my property and in my community. Maybe if you won't protect me, you will protect the snake and not spray my neighborhood.

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FOR PEOPLE WITH EI/MCS WHO MUST EVACUATE DUE TO MEDDLY OR OTHER PEST ERADICATION APPLICATIONS.¹¹

CDFA how can you ignore this evidence of not only disability recognition, but of recommendation that alternative housing be created for those needing to evacuate?

B14-10

(cont.)

Destroying organic gardens and farms is a violent act. Especially since organic food is medically often prescribed for vulnerable sensitive persons.¹² Personally have 60 food grape vines, 37 fruit trees, and raised bed vegetable gardens that are more important than all the wine in California to my family. Their purity is better than any commercial organic produce. For example my strawberry patch pest control is beer in a trap. My citrus tree pest control is a barrier sticky wrap on the bottom of the tree. Organic compost made from organic food and yard waste is the dominant fertilizer, on occasion I use a natural fertilizer. I also use copper tape to keep bugs out of the garden. If GWSS became a threat to my food sources, I would not, vacuum, and use Kaolin clay dust or just prune if my vines got diseased. I will never spray even if my house is full of termites.

B14-11**B14-10**

(cont.)

51.7. (a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ethnicity, or position in affiliation, sex, sexual orientation, age, disability, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

Forced spray on a property is a threat to the health of disabled chemically sensitive persons that the federal government recognizes as disabled. Forced pesticide trespass is a violent act since residues will not be gone within two hours as CDFA implies, see chart of pesticide residues.¹³ Denying access to a sick or dying disabled sensitive person's home for 1 minute is an act of terror and potential murder without providing proper mitigation which would require the construction of chemical free housing, CA Legislature, Senate Subcommittee on the Rights of the Disabled, Senator Milton Marks, Final Report, Access For People with Environmental Illness/Multiple Chemical Sensitivity, and other related conditions, September 30, 1996 is a document that "Identifies barriers to access for people with EI/MCS and which may affect those with allergies, asthma, emphysema, immunological and neurological conditions."⁹ Pesticides, herbicides... Are common barriers to access¹⁰ and it states "ESTABLISH SAFE AREAS OF REFUGE FOR TEMPORARY OR PERMANENT HOUSING

Should we teach our children to call 911 when they see a GWSS insect?¹¹ Where's the perspective of emergency and the ethical responsibility not to cry wolf and waste tax dollars?¹² In this year of a financial crisis, why are we wasting money on this program when the growers could change crops to something that is not bothered by the Pierce's Disease Strain in that area?¹³ Yes, Pierce's Disease is a problem; but is it an emergency threat to all of CA agriculture no. Temecula is still growing grapes. Glassy-winged sharp shooter is not the only vector of disease. I wouldn't mind if you helped the wine growers, but no one ever helps the disabled, especially chemically intolerant obtain safe accessible housing, schooling, etc. There are 85,000 new cases of chemical

⁷"Another dead snake stops Bart project," Associated Press, The Tribune, May 13, 2002.

⁸ Chart prepared by Citizens Foundation Volunteer, statistically eliminating pesticide residues.

⁹ CA Legislature, Senate Subcommittee on the Rights of the Disabled, Senator Milton Marks, Final Report, Access For People with Environmental Illness/Multiple Chemical Sensitivity, and other related conditions, September 30, 1996, page 4.

¹⁰ CA Legislature, Senate Subcommittee on the Rights of the Disabled, Senator Milton Marks, Final Report, Access For People with Environmental Illness/Multiple Chemical Sensitivity, and other related conditions, September 30, 1996, page 5. (to obtain copy call Senate Publications, (916) 327-2153 Senate Publications number 876-5)

¹¹ CA Legislature, Senate Subcommittee on the Rights of the Disabled, Senator Milton Marks, Final Report, Access For People with Environmental Illness/Multiple Chemical Sensitivity, and other related conditions, September 30, 1996, page 15.

¹² CA Legislature, Senate Subcommittee on the Rights of the Disabled, Senator Milton Marks, Final Report, Access For People with Environmental Illness/Multiple Chemical Sensitivity, and other related conditions, September 30, 1996, page 10.

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intolerances each year; soon we will be the majority.¹³ Regardless of what the chemical industry wants, we won't be buying their irritating and life-threatening products.

EIR Questions for CDFA:

Are GWSS federal funds designated to spray private citizens non-agricultural properties with pesticides? I was told NO by CDFA. I would imagine that the federal government is aware of the acceptable risks to human and non-humans of these pesticide applications.

What is the official reason given for not being able to use federal tax dollars to spray the properties of Californians?

What does the EPA state are the known acceptable risks regarding the use of each pesticide selected for PDCP and Rapid Response Plan?

Please list all pesticides, which could be used in the PDCP. DRAFT EIR is deliberately vague on this point.

CDFA has always been gracious in allowing me to speak at numerous public meetings.¹⁴ I have no complaint against any person that works for CDFA. However, I thought with the creation of the Pesticide Sensitive Registry in SLO county, that we would be spared suffering, that other counties would follow suit, and that we were not going to be ignored and insignificant. I was so wrong. We are insignificant in this EIR.

How can 1 million chemically sensitive Californians that have to avoid pesticides to avoid harm, be considered insignificant? It's because the government won't require that the industry prove no harm and the government won't test us, nor will they fund research to figure out why this and many other diseases are recognized as being affected by chemicals, and possibly caused by legal chemicals.

"Particularly surprising are the extrapolated large numbers of people in California who report unusual sensitivities to many chemicals and who would be made very sick by common everyday exposures.4 percent of the sample reported unusual sensitivity to a lot of chemicals. This would represent 967,000 people of the 24,000,000 people in California over the age of 18. ... Doctor diagnosis of MCS, sensitivity to chemicals and a restrictive health condition corresponds to 144,000 Californians."¹⁴

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**B14-12
(cont.)**

THE DECK IS STACKED AGAINST THE CHEMICALLY SENSITIVE DISABLED PEOPLE OF CALIFORNIA

1. Numerous huge studies would have to be conducted on sick disabled individuals, even though considered morally unethical.
2. Numerous studies conducted to find the cause of the many diseases that epidemiological studies indicate increase risk when exposed to a chemical.
3. Then these studies would have to be published in the literature that scientifically proves chemical sensitivity to parts per trillion level and why this sensitivity occurs. The chemical industry has great influence in the studies printed and would utilize billions of dollars to influence any legislation that may attempt to discover the causes of environmentally induced diseases.
4. Of course it appears that any doctor that tests pesticides on us is guilty of mal-practice, could lose his medical license.
5. Disabled people cannot find doctors to test pesticides on them while monitoring their health.
6. Doctors are often not trained to diagnose pesticide poisoning or chemical injury.
7. Of course government cares more about wine than a million sick people, some who will die from pollution, you can't smell or see.
8. A study will never happen as long as the chemical industry is a major influence in the policies of our government. More and more Americans recognize that this is not a democracy any more, but a government that is dictated to by industry. We've been fighting the war on cancer for over 30 years, where's the studies that test the full products on animals?
9. There would have to be a medical consensus of this evidence.
10. The chemical industry would fight this with their biased studies trying to confuse the citizens.
11. Of course many of us are aware of how the chemical/pharmaceutical industry funds the research that supports drug cures, but never fully tests the product to insure safety. People of California, that's your job.
12. Also the chemical and pharmaceutical industry appears to have some control of what is printed in the literature, you didn't think they would leave that to chance.
13. When will CDFA find that chemicals cause and aggravate EU/MCS, or any other related condition like the thousands of children with asthma, the answer is never, because this government is for industry, not the people of this state. That's the same as requiring the Cigarette industry to fund studies, publish studies that prove cigarettes cause cancer and other adverse health effects before protecting the public from cigarettes. This is a new version of California dreaming.

¹³ Prevalence of People Reporting Sensitivities to Chemicals in a population based survey". Richard Kreutzer, Raymond R. Neutra, and Nan Lashaway, American Journal of Epidemiology, Volume 150, Number 1 July, 1999, page 11.

¹⁴ Prevalence of People Reporting Sensitivities to Chemicals in a population based survey". Richard Kreutzer, Raymond R. Neutra, and Nan Lashaway, American Journal of Epidemiology, Volume 150, Number 1 July, 1999, page 11.

**B14-15
(cont.)**

THE DECK IS STACKED AGAINST THE CHEMICALLY SENSITIVE DISABLED PEOPLE OF CALIFORNIA

1. Numerous huge studies would have to be conducted on sick disabled individuals, even though considered morally unethical.
2. Numerous studies conducted to find the cause of the many diseases that epidemiological studies indicate increase risk when exposed to a chemical.
3. Then these studies would have to be published in the literature that scientifically proves chemical sensitivity to parts per trillion level and why this sensitivity occurs. The chemical industry has great influence in the studies printed and would utilize billions of dollars to influence any legislation that may attempt to discover the causes of environmentally induced diseases.
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¹³ Conclusion: It is almost impossible for disabled sick and dying people who are the acceptable risk for pesticide profits to prove their disability and injury, because no agency or industry wants to prove safety, or provide testing in a laboratory that scientifically proves it.

Now in a recent letter to me CDFA guarantees the safety of the disabled,¹⁵ but offers no proof of full product testing on animals that are sick and disabled. CDFA please present in this EIR the proof that all medical disabilities are guaranteed protected by current pesticide testing.

Any significant illnesses that have a 1000 or more victims in California, that the EPA can't guarantee using protective full product science, should be identified in this EIR as a risk, needing mitigation.

EPA scientists that I have talked to tell me that people who are not in perfect health are at risk. We are the acceptable risk. If this isn't true then I require evidence of no harm, CDFA's can request an official EPA clear statement of to what disabilities and medical conditions are reasonably guaranteed to have no adverse affect when exposed in their gardens two hours after the application of the Pierce's Disease pesticide full product including those secret inert.

CDFA can ease the concerns of sensitive people and their doctors by requesting from the EPA scientific evidence that hyper-responsive airways disease is protected when utilizing the full pesticide product. Is "7" Carbaryl insecticide safe for all persons with neurological diseases and sick people on many medications. A clear statement describing what medical conditions are scientifically evaluated and proven to be safe when using the full pesticide product is mandated by this EIR before stating there is no significant impact on disabled persons.

Since CDFA won't use just Carbaryl. Factoring in an hundred fold safety margin is not evidence of no harm or no risk if the science does not include the majority of the chemical based product the secret often more toxic inert. When people are referring to parts per trillion, or fine particle pollution as been described in the literature; that is 1000 times more toxic to that individual than the safest standard. It is imperative that CDFA clearly state the true risk or the lack of proof of safety due

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to incomplete full product testing on animals that are sick and dying.

Can CDFA produce the full product pesticide testing that demonstrates I, a disabled person with hyper-active airways disease and brain injury will not have my health compromised, nor my life endangered assuming that I will work in my garden within 2 hours after pesticides are applied and get exposure on my clothes, skin, fine pesticide particles in the dust in the air, and on my bare hands? Currently, the pesticide science is junk science and I can't be an advocate for a program that bases its guarantees on junk pesticide science that is limited to the active ingredients, lacking modern toxicology.

In Pest Control Magazine they recognize the necessity of being aware of sensitive populations.

"Sensitive situations may be defined as any situation where there are special concerns over the use of a particular pest management measure - usually, although not always, chemical. Some situations are obvious, such as the newborn nursery. Others are not so obvious, such as a "chemically sensitive" individual in an office complex. ... Numerous people may determine whether a situation is sensitive. These include a regulatory agency, the owner, manager, or administrator; an employee; a patient; and even you, the pest management professional."¹⁶

It appears that even the industry is aware of the issue of sensitivity. Actually, I fear for my health and life. But only because I have almost died from low legal levels of pesticides diagnosed and confirmed by doctors. My doctors reviewing my case do not think I am exaggerating, not do they think I am mentally ill or a malingerer. They do not think I will be safe around pesticides. It appears that CDFA does not believe that I have had numerous life threatening responses to legal pesticides. Of course CDFA cannot recognize our risk or their program would be shut down.

California Environmental Quality Act (e) ...Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an

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¹⁵ "You're Too Sensitive," Pest Control Magazine, Dr. Marc Lacey, page 1
<http://www.pestcontrolmag.com/pestcontrol/article/articleDetail.jsp?id=13445>

adverse effect on people, the overcrowding would be regarded as a significant effect.¹⁷

Currently, this program will force people to leave their homes, that is an economic and social, physical change that would make these people homeless until the residues of pesticides were safe for their return. Why isn't this mentioned in the EIR as needing mitigation?

Since I have had to leave a state where pesticides properly applied by licensed pesticide applicators in my area, NOT on MY property, or even my next-door neighbor's properties caused repeated life threatening events, the cost of this emergency relocation was significant. My temporary housing caused my health to worsen, even though the emergency room visits substantially declined. It took years to build a safe home that does not adversely affect my health. Applying pesticides in my yard will necessitate me moving again. I don't know where to go where it will be safe for me. However, the real reason for never recognizing the threat to sensitive or vulnerable populations is the:

"15065. Mandatory Findings of Significance

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

I challenge you to provide me with access to scientific pesticide exposure testing with appropriate health monitoring to prove the environmental effects of this PCDP project will not cause substantial adverse effects to me, a human being.

I will never stop speaking about CDFA's deliberate violent act of intent of trespass and until CDFA and any Governor will never permit pesticide trespass on non-AG property again. You will have to be a little more creative with the use of pesticide alternatives and lower your standards of pest eradication. Why not tell the growers to grow some other crop? For God's sake the numbers of GWSS already in this state, scientists say make it impossible to eradicate. So why are you treating every within 300 yards of any property with toxic pesticides, while little or no program is

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being conducted in counties that are heavily infested?¹⁸ No wonder you refuse to test me. Why isn't there emergency devastation in other heavily infested counties? Aren't you crying wolf because of a few Temecula growers who made poor business decisions by planting disease susceptible wine grape vines, grown in poor soil, in a Pierce's Disease area, next to the citrus habitat of GWSS- carrier of Pierce's disease. It appears that CDFA turned unfortunate business mistakes it into an false emergency so the agency would be funded with new dollars, the chemical industry benefits by free research for genetically engineered products that Europe won't buy, and sells lots of pesticides statewide and the favorite wine industry will get virtually free pest control funded during a national emergency and state financial emergency.

Since one of the causes of chemical intolerances was discovered as being caused by "Dursban/organophosphates"¹⁹, I am not aware of any protective science to protect the injured. I would feel safer if you would test me utilizing the full product of all the combined pesticides to be used in my yard against my will and demonstrate that it is safe. I have decided that a mask could be used to expose me to numerous pesticides in a tiny amount something that Dr. Kurtz could be assured is not at risk dose. We would continue to add pesticides until my asthma is triggered. I could wear the mask while having a brain spec scan, ultrasound on my lungs, and my blood work taken hours after wearing the mask. I could also have a neuro-psychological exam. All testing could be scientifically relevant with first establishing a base line, then test during exposure according to the delayed reactions noticed by the manufacturer and the EPA. Then testing after exposure to follow-up and see if any testing changed or improved with avoidance. This testing may cost the government \$50,000, but would be worth it if you could scientifically prove no harm. Then, if I am fine, I will do as CDFA asks and spread the word of safety.

CDFA is curiously naive about people. Disabled sick and dying people know they are chemically sensitive, won't believe me or anyone else if I tell them otherwise. Because they can't go anywhere, they are sick and often housebound, a trip to the store makes them sick. A trip to the grocery store can be a disaster if they can't get away from fragrances. They can't ride the buses; they don't participate in many things. They don't go to parks because of the pesticides. They won't believe you until you test the full pesticide products on a sick person.

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(cont.)

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(cont.)

B14-20

¹⁷ EPA Recognition and Management of Pesticide Poisoning, page 37

¹⁸ CEQA

¹⁹ CEQA

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What does the EPA state are the unknown acceptable risks of human health regarding the use of each pesticide full product including the secret often more toxic inert that are potentially to be used in the PDCP or Rapid Response Plan that cannot be proven to be safe with specific scientific tests? For example: Is there any testing on sick and dying asthmatic mice to show that the full pesticide product chosen is safe? Using genetically pure animals does not account for the human condition.

I find it horrifying that the EPA and CDFA make safety claims about products that they don't require the full product to be completely tested! It appears that what I am reading in the EIR has been written by the chemical industry. Under the State of California Public Records Act has the chemical industry been contacted to give answers to any concerns regarding chemical injury and chemical sensitivity? Please provide these documents to me personally.

I consider Politician/Government / Industry designed regulations as pure JUNK PESTICIDE SCIENCE. Please provide me with any scientific testing that was done on the full pesticides product including the inert ingredients that will demonstrate reasonable assurance no harm for healthy as well as sick individuals. Any toxicology that is based on the active ingredient only, is junk science. For even lay people are aware of the dirty secrets our chemical corporations hide in the inert and the lack of science about the synergistic and other toxic effects of the chemicals in our environment. Any government doctor, or scientist that makes claims of public or worker safety based on the science/toxicology of active ingredients should be held personally liable for the suffering that occurs. Quackery and cigarette science have no place in California's EIR reports.

To prove me wrong please post in the EIR response for all to review full pesticide product toxicology test results (including all inert) and brief description in layman terms of exactly what aspects of human health this testing is reasonable assurance of no harm, for the pesticide registration of every pesticide potentially used for the Rapid Response Plan and the PDCP.

Please provide the toxicology that proves any of the full pesticide products are reasonably assured of causing no harm?

Is there any toxicology testing on the full pesticide products chosen for PDCP and the Rapid Response Plan that prove that the pesticides that combine with the soil, resulting in toxic dust in the

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air, days after the exposure, is scientifically proven to be safe for kids with asthma?

B14-20
(cont.)

Is there any toxicology testing on the full pesticide products chosen for PDCP and the Rapid Response Plan that prove they are not harmful for children with Attention Deficit Disorder, seizures, or other neurological conditions?

Is there any toxicology testing on the full pesticide products chosen for PDCP and the Rapid Response Plan that proves they are not hazardous for pregnant women and their fetuses?

In The American Journal of Epidemiology, Volume 150 Number 1, July 1, 1999, "Prevalence of People Reporting Sensitivity to Chemicals in a Population Based Survey" by Richard Krenzler, Raymond R. Neutra, and Nan Lashutay it states: "Particularly surprising are the extrapolated large numbers of people in California who report unusual sensitivities to many chemicals and who would be made very sick by common everyday exposures. For example 163 (4 percent) of the sample reported unusual sensitivities to a lot of chemicals. This would represent 967,000 people of the 24,000,000 people in California over age 18 years. ... a doctor diagnosis of MCS, sensitivity to chemicals and restrict health condition corresponds to 144,000." CDFA this study is limited (cont.)

B14-21

B14-22

What number of people is considered a statistically significant risk?

What is the estimated population of people in California who are chronically ill? Pew Charitable Trusts report 100 million nationwide. Many of those chronically ill/disabled report sensitivity to chemicals, some of these are asthma, Emphysema, hyper- responsive airways disease, multiple sclerosis, Parkinson's Disease, Liver disease, AIDS and other immune system diseases, Attention Deficit Disorder, Lou Gehrig's Disease, cancer patients, cardiac patients, brain injury patients. What statically significant scientific research assures no reasonable harm? If this information is not yet available, knowing the numbers of sensitive adults should demand that no non-agriculture pesticide applications be done until the risk can be identified and protections implemented. Does CDFA permit the possibility of human death for this emergency? If not prove its safety for all sick and dying people that report sensitivity to chemicals.

5.2-19 "The reactivity of this group cannot be objectively evaluated because there are no objective criteria to apply to evaluate individual agents or to separate from any defined chemicals, physiological or pharmacological property. This statement is false. Please see the following document.

<http://www.cfids.org/about-cfids/multiple-chemical-sensitivities.asp>

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MCS and CFIDS

Many chronic fatigue and immune dysfunction syndrome (CFIDS) patients report that their symptoms worsen when exposed to low levels of chemicals, especially when compared to pre-CFIDS. CFIDS patients also report worsening of allergies, which may be related to MCS.

Veterans of the Persian Gulf War report chemical sensitivities at a three-times higher rate than civilians or veterans who did not participate in the Gulf War.³ Persons with CFS compared to civilians or non-deployed veterans.⁴

Several studies have measured the overlap between CFIDS and MCS. In specialty clinics, between 13 and 88% of MCS patients meet criteria for CFIDS.⁶ In the general population of chronically fatigued people (which may be more representative of the CFIDS and MCS populations at large), 14% of MCS patients also had CFIDS and 41% of CFIDS patients met criteria for MCS.⁵ This study also found that people with more than one diagnosis were the most severely disabled – the people most likely to be seen in a specialty CFIDS or MCS clinic.

Cause of MCS

The cause of MCS has not been identified. Some cases arise following a long-term, low-level exposure to a toxin, while others come on acutely after a short, high-level exposure. The body then becomes sensitive to other chemicals, a phenomenon known as "spreading." Research is being conducted to determine the cause(s) of MCS and its effects on the body.

Treatment for MCS

Treatment for MCS usually involves avoiding the chemicals that produce symptoms. This can be quite difficult, since chemicals are ever-present in modern life. The most severely affected patients find that they are virtually imprisoned in their homes (where they can more easily control substance exposures) due to the effects of MCS. Fortunately, most MCS patients aren't this severely affected, although they must still use extreme caution when encountering chemical exposures.

Patients must undergo a laborious process of finding out which chemicals must be avoided by first eliminating them from their environment and then introducing them, one by one, to test their effects. Since many MCS patients report food intolerances, an intolerance can be very helpful in pinpointing particular food sensitivities.

It is often necessary for MCS patients to remove offensive materials (such as carpeting or stained cabinetry) and furnishings (such as old bedding and upholstered furniture) from their homes, replacing them with things that are made specifically for the chemically sensitive. This can be a costly and time-consuming

MULTIPLE CHEMICAL SENSITIVITY (MCS)

Multiple chemical sensitivity (MCS) is an illness marked by multiple symptoms in multiple organ systems when exposed to chemicals at levels below what should produce illness. It is also known as environmental illness (EI). MCS is fairly common in the U.S. population, with 16% of people in California and New Mexico reporting they were "unusually sensitive to everyday chemicals" and 6% and 2%, respectively reporting a prior MCS diagnosis.^{1,2}

Diagnosis of MCS

for the definition of MCS were established by a group of MCS researchers and clinicians in 1998.³ The following six criteria must be present for a person to be diagnosed with MCS:

1. The symptoms are reproducible with repeated exposure to the same chemical.
 2. The condition is chronic.
 3. Low levels of exposure (lower than previously or commonly tolerated) result in manifestations of the syndrome.
 4. The symptoms improve or resolve when the incitants are removed.
 5. Responses occur to multiple chemically unrelated substances.
 6. Symptoms involve multiple organ systems (most commonly the neurological, immune, respiratory, skin, gastrointestinal, and musculoskeletal).
- The diagnostic criteria are not specific about the symptoms experienced by MCS patients. However, commonly reported symptoms include respiratory problems, headache, and gastrointestinal distress.

Cigarette smoke, paint, gasoline, new carpet and furniture, household cleaners, perfume, newspapers, pesticides, alcohol, caffeine, and food additives are some of the chemical exposures commonly cited as producing MCS symptoms.

process, but may yield benefits in establishing a "safe" home where the MCS patient can function to the best of his or her ability.

Some providers also recommend detoxification treatments, such as saunas. However, if you are one of the many CFIDS patients with use caution because warm environments are known to worsen those symptoms. Nutritional supplements and exercise are other treatments offered by MCS specialists.

Resources

- Phone: 408-547-2255 Fax: 408-547-2486
P.O. Box 301 White Sulphur Springs, MT 59845
- 8400 Fax: 392-8401
608 Westgate Road Baltimore MD 21229 Phone: 410-362-12233 Research Triangle Park, NC 27708
- P.O. Box

References

1. Kreutzer R, Neutra RR, Lashaway N. Prevalence of people reporting sensitivities to chemicals in a population-based survey. *Am J Epidemiol.* 1999;150:1-12.
2. Voorhees RE. Letter to Joe Thompson, Special Counsel Office of the Governor. 13 March 1998.
3. Multiple chemical sensitivity: a 1999 consensus. *Arch Environ Health.* 1999;54:147-9.
4. Fukuda K, Nisenbaum R, Stewart G, et al. Chronic multisymptom illness affecting Air Force veterans of the Gulf War. *JAMA.* 1998;280:981-8.
5. Jason LA, Taylor RR, Kennedy CL. Chronic fatigue syndrome, fibromyalgia, and multiple chemical sensitivities in a community-based sample of persons with chronic fatigue syndrome-like symptoms. *Psychiatry Med.* 2000;182:656-63.

It is possible using today's modern toxicology science to put disabled chemically sensitive or chemically injured people claiming serious life-threatening responses to everyday chemicals, including those disabled with reactive airway disease in a chamber with a controlled environment and expose them to levels of pesticides potentially used in the PDCP and the Rapid Response Plan. The patient should be exposed to pesticide levels that the doctor can't smell or see to insure double blindness, and alternated with clean air showing the alternate effect of chemical avoidance recommended by their physicians. As mentioned in the above CFIDS document.

Please see the following study:
Pollution Constrains Blood Vessels.
Tuesday, March 12, 2002
By Maggie Fox, Reuters

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"WASHINGTON — Air pollution causes the blood vessels of healthy people to close up, which helps explain why high levels of pollution are linked to heart attacks and other cardiovascular problems, researchers said Monday.

They said their study fits in with other research that shows air pollution can cause not only breathing problems but heart problems. "These findings suggest a possible reason why the rate of heart attacks and other cardiovascular events increases with exposure to air pollution for people with known heart and blood vessel disease," said Dr. Robert Brook, a specialist in the biology of blood vessels at the University of Michigan who helped lead the study."

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(cont.)

CDFA If you continue with this program, you will find out if your pesticide levels of exposure are safe for people like me. Are you willing to risk the publicity of a documented televised sudden onset of asthma, death or near death for the sake of the wine industry? Stating that people may be SENSITIVE ABOUT TREATMENT OPTIONS is a gross misrepresentation, it's like saying I'm sensitive to discovered anthrax in my mail. You can't see the risk of death, but know it exists.)

B14-24
(cont.)

"The Environmental Protection Agency estimates that air pollution contributed to 60,000 heart-related deaths in 1996."

(Does CDFA consider heart related deaths an acceptable risk for this program?)

"Brook said the experiment involved fairly high levels of pollution, such as those found in Mexico City or on bad days in Los Angeles. But he said the harmful pollution could not be seen or smelled, and people would not feel the effects. "You don't even know. You can't tell that you are inhaling it. You can breathe in these rather high levels of air pollution and be mostly unaware," Brook said.

B14-24

Brook and his brother, Dr. Jeffrey Brook of the University of Toronto, tested 25 healthy volunteers with an average age of 35. They sat in a chamber and air was pumped in — sometimes filtered and sometimes containing ozone and fine particulate matter. "These come from the combustion of normal

fossil fuel," Brook said. Cars, power plants, iron smelters, and other industry all create ozone and fine particulate pollution.

TINY BITS OF METAL

The tiny particles of carbon and other material have even smaller bits of iron, manganese, and zinc clinging to them. They are inhaled deep into the lungs, and some studies suggest they may be absorbed directly into the bloodstream. Brook said the body's immune system may mistake these particles for bacterial or viral invaders and attack. As white blood cells move in, they release inflammatory chemicals called cytokines that cause the blood vessels to constrict.

These bits of metal may also damage healthy cells. After two hours of breathing the polluted air, the blood vessels of the volunteers constricted between 2 percent and 4 percent on average. Brook and his team reported in this week's issue of the journal *Circulation*. Their vessels did not constrict when they breathed clean, filtered air. **"(CDFA) my son is documented with a 15% pulmonary decrease from breathing normal everyday fragrances for a few minutes. Where do we get tested for your everyday pesticides? I have an entire coalition that may sign up to establish the needed database to insure their property is not sprayed. I imagine you will find that healthy people's lungs constrict too, demonstrating that pesticides can be the cause of disease. How large a sample size is needed for preventative action?"**

"The researchers used ultrasound to measure the diameter of the brachial artery, which runs from the shoulder to the elbow.

"...Although the degree of constriction in and of itself is unlikely to produce significant problems in healthy individuals, such a constriction could conceivably trigger cardiac events in those individuals who have or are at risk for heart disease," Brook said.

He said his study fit in well with one published last week in the *Journal of the American Medical Association*. In it, a team at Brigham Young University in

Provo, Utah, found that long-term exposure to air pollution increases the risk of death from lung cancer, heart attack, stroke, asthma, pneumonia, emphysema, and chronic bronchitis. "We are hoping that this line of research will add some strength to well-known association studies," Brook said. "Now we can say, 'Gee, there is a clear linkage here between bad air and cardiopulmonary events.'"

(CDFA can you act to protect our health now that there is a linkage between bad air and cardiopulmonary events?)

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Air Pollution Linked to Deaths From Lung Cancer

By 235.203798

Air pollution – mainly from vehicles, industry, and power plants – raises the chances of heart disease in people exposed to it long term, according to a report in the March 6 *Journal of the American Medical Association* (Vol. 287, No. 9: 1132-1141).

"There's an excess risk of both lung cancer and cardiopulmonary disease associated with increased exposure to fine particles [in air pollution]," said study co-author C. Arden Pope III, PhD, at Brigham Young University in Provo, Utah. The risk comes when gases from auto exhaust and smokestacks combine with oxygen in the air to form very small particles that are breathed in, said Pope.

Smoking is the main cause of lung cancer, said Pope.

But breathing very polluted air long-term can raise the risk of lung cancer as much as breathing second-hand smoke, he added.

The largest effect of bad air on deaths from heart disease and lung cancer was on non-smokers. And, bad air increased all study participants' chance of death by the same amount as if they were all "moderately" overweight, the report noted.

Great Long-Sought, Largest Yet

Earlier studies suggested air pollution might be linked to disease and death, but some studies were too small or didn't follow people exposed to air pollution long enough for scientists to be sure of the connection.

The new study looked at the health of about 500,000 people in over 100 US cities from 1982 to 1998, long enough for lung cancer or heart disease – which can take decades to develop – to show up.

The data for the study came from the American Cancer Society's Cancer Prevention Study II study, an ongoing program that has tracked the health of over 1.2 million people since 1982.

"The researchers used ultrasound to measure the diameter of the brachial artery, which runs from the shoulder to the elbow.

"...Although the degree of constriction in and of itself is unlikely to produce significant problems in healthy individuals, such a constriction could conceivably trigger cardiac events in those individuals who have or are at risk for heart disease," Brook said.

He said his study fit in well with one published last week in the *Journal of the American Medical Association*. In it, a team at Brigham Young University in

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The study found there was no level of air pollution that was safe, and that the more air pollution increased, the higher the risk became of dying from lung cancer, heart disease, or from any cause.

Pollution drove up the risk of dying from lung cancer the most, followed by risk of death from heart disease, and then by risk of dying from all causes.

The risk of lung cancer death went up by 8% for every 10 micrograms of fine particles in a cubic meter (about 3 feet by 3 feet) of air, the study found. Heart disease deaths went up 8%, and deaths from all causes 4%, for every such increase.

A 1984 study by Pope estimated 50,000 to 100,000 Americans died yearly from the effects of outdoor particulate air pollution....

(CDFA how can you continue with this program when pesticides are recognized as pollution and there is no way to predict who could die of heart failure, like I almost did from fine particle pollution. I didn't live in a city with major car pollution; I lived in an area that sprayed 5 acres of pesticides every week within a 1/2 mile of my house. I refuse to let you ignore this very real risk.)

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Scientists had known since the 1970s that very high rates of particles in the air caused death rates to jump. By the late 1980s and 1990s studies were showing that even at very low levels, air pollution was causing damage to health, the authors noted.

So in 1987, the Environmental Protection Agency (EPA) put limits on power plant emissions that produce the gases that help form fine particle pollution.

Air pollution has lessened since the 1970s, Pope said, but was still above the current EPA limits in some US cities as late as 1996 and 2000.

The researchers couldn't find a level of air pollution that didn't increase death rates....

(CDFA, I find this statement very interesting, no matter what you do, you will kill someone somewhere and no one will monitor to prove it.)

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"...That means it's more difficult for regulators to decide pollution limits than if harm didn't occur below a certain level," Pope said.

But it also means every reduction in air pollution will likely lower death rates, he said.

"We can expect to see health benefits from the air pollution decline since the 1970s, but there appear to be opportunities for additional benefits from further improvement in our air quality," he added.

(CDFA I was on oxygen and medications, in clean air my self and my sons do not need any) What a savings to society to avoid attacks and lessen the burden on insurance industries, we are living proof that cleaner air improves health, don't pollute my or anyone's home and garden)

"The results of this research suggest that further public policy efforts to improve our air quality will result in significant benefits," Pope concluded.

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B14-24
(cont.)

CDFA testing pesticide exposure could be a level that they can't smell or detect visually that are obviously below the toxic dose and document using ultrasound the lung constriction, document using brains spect scan the loss of function to the brain, document using electrocardiograms the loss of cardiac function, etc. In fact the California Department of Environmental Health was given by ATSDR in the report on MCS, monies to develop such testing facilities. Please inform me what has happened to this program? Proving just one disability is affected ought to be enough to shut down this non-agricultural pesticide program due to unacceptable risk of those with other disabilities.

CDFa, In what research does the EPA or other health agencies state that all chemically injured who have experienced adverse

B14-25

health events that they associate non-specifically with numerous chemical exposures, have not had a toxic cumulative synergistic exposure causing documented organ damage? The fact that old junk science toxicology does not factor in cumulative and synergistic effects does not mean such cannot injure people.

CDFIA you have solved the mystery of why chemically sensitive persons react to so many chemicals, it's the inert(s). See P-30, where CDFIA states that the same chemicals (inerts) may be found in a variety of consumer products, ranging from processed foods, pharmaceuticals, to household cleaners and similar products. I can personally attest to that fact that every chemically injured/sensitive person I know is bothered by all chemicals in your inert list. This is why the Environmental Task force requested an investigation into the inerts. This EIR document does not investigate, only regurgitates, what is commonly used as a chemical industry defense and is not objectively evaluating the risks of inerts.

Scientific shortcomings should not be used as a positive assertion for any product's safety. It is apparent that this continual on going controversy is orchestrated by the chemical/pharmaceutical industry that controls the research dollars and controls what is often printed in the professional literature, exerts great influence on politicians and government agencies to defend their junk science. Over and over I hear from State employees, that they have to go with the dose = the poison. What the heck is the dose if you don't know what the majority of the poison is?

Does the EPA have any reports of sensitive people dying from legal level exposures to any pesticide? It is my understanding that this evidence exists. Share of CDFIA, for not requesting this information. If CDFIA needs a demonstration to stop forever the urban spray program, to protect my sensitive children, I will volunteer to be the guinea pig for scientific study of the effect of your pesticides on me. In fact I want to assure you, I won't leave if CDFIA sprays because this is the only non-toxic chemical free environment that I can tolerate.

Does the EPA have any reports of sick people having more medical complications after exposure to pesticides?

Does the EPA have any reports of asthmatics having life-threatening asthma attacks from pesticide use? It is my understanding that they do.

What chemical(s) in pesticides does the EPA attribute to causing these life threatening asthma attacks? It is my understanding that it is the fine

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particle petroleum distillates found in many products including pesticide inerts cause the asthma attacks

B14-25 (cont.)
Does the EPA have any reports of people becoming permanently disabled from pesticide exposures? A chemical intolerance disability can be found on page 37 of the EPA Recognition and Management of Pesticide Poisoning. Also lung disorders are noted through out the book. Also a recent scientific study demonstrates how fine particle pollution triggers asthma.

"Reuters Health

Tuesday, April 23, 2002

By E. J. Mundell

NEW ORLEANS, Apr 22 (Reuters Health) - As many asthmatics know, a blast of diesel exhaust can trigger bouts of wheezing, coughing and other asthma symptoms. Now researchers say they have figured out why these fumes are so tough on those afflicted with the illness. According to researcher Dr. Fred D. Finkelman of the University of Cincinnati in Ohio, the fine particles in diesel exhaust hit the human immune system with a double whammy, upping the production of an immune protein that triggers asthma attacks while suppressing a second protein that might otherwise bring symptoms to a halt.

The findings "add to the evidence that it would be best to reduce diesel exhaust particle emissions," Finkelman said in an interview with Reuters Health. He presented his findings here Monday at the annual Experimental Biology 2002 conference.

Numerous studies have found that individuals living in urban areas or near busy highways are at much higher risk for asthma, and other allergies compared with those living in less congested locales. While most experts have suspected diesel fumes as the prime culprit, until now the exact mechanism by which truck exhaust aggravates the immune system has remained unclear.

In their study, Finkelman and his colleague's injected small amounts of diesel exhaust particles into the bloodstreams of mice. The investigators found that, after injection, the mice secreted abnormally high levels of interleukin-8 (IL-8), an immune system protein "released by cells of the immune system in response to substances such as bacteria and viruses that the immune system perceives as dangerous." In this asthmatic lung, this response can go overboard, triggering airway inflammation, coughing and congestion.

Luckily, the immune system has a kind of countering mechanism, a protein called interferon-gamma. When released in large quantities, interferon-gamma works to put the brakes on runaway immune responses.

However, the Cincinnati researchers found that, in mice, diesel exhaust appears to dampen interferon-gamma production—giving IL-8 free reign to trigger asthmatic symptoms.

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With diesel engines being such an obvious health hazard, reducing emissions would seem to be a 'no-brainer' from the viewpoint of public health. But the issue "is not that simple," Finkelman cautioned.

"Compared to gasoline engines, diesel engines are more fuel efficient and emit less greenhouse gases per mile travelled," he said. And getting consumers to pay for cleaner air while doing without some of the gas-guzzling luxuries they've come to love has proven to be a tough sell. In the end, Finkelman said, "society has to balance efforts to decrease pollutants that have harmful medical effects with the costs of these efforts."

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(CDFA) Since Petroleum distillates are found in Diesel and pesticides, there is no need to study further to demonstrate a need to end this non-agricultural pesticide program. However, the major break through of this research warrants that all pesticides be reevaluated including the inerts to determine what the affect is on fine particle blood absorption exposure.)

CDFA In the Draft EIR you talk about Carbaryl or Sevin?

5.2-19 In what research does the EPA or other health agencies state that it is impossible for a chemically injured person to become chemically sensitive?

What strain(s) of Pierce's Disease bacteria are present in California? Where are the other strains located?

What food crops could the California Pierce's Disease strains harm today? What is the total devastation to food crops (non wine grapes) in California from Pierce's Disease in the year of devastation of Temecula that triggered this emergency? How much loss to food crops is attributed to Pierce Disease carrying GWSS infestations?

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What native insect species carry Pierce's Disease? What is the estimate of destruction caused by this native sharpshooter?

Is the Destruction due to Pierce's Disease in Temecula and other areas scientifically attributed to GWSS and not another native insect pest? Or could Pierce's Disease have been spread to the middle of the vineyards from propagation of diseased vines?

Why is it that GWSS lived in citrus trees in Pierce's Disease infected Temecula County for about ten years and there was no devastation until exotic wine grapes were planted nearby? I was told by CDFA that the Pierce's Disease that affects citrus is in South America. A member of the citrus industry told me, that Brazil is working on a cure for Citrus. To prevent devastation due to new Disease. We could easily test nursery stock for disease entering our state. There's a test to prove that grape nursery stock for sale are not infected vines.

It has also been suggested that the devastation was due to monoculture and poor soil, making the vines more susceptible.

Especially hillside planting that can be particularly stressful for water retention. Many at CDFA have expressed this concern. I presume that the money is the issue here, and lots of it.

B14-30
(cont.)

B14-27
(cont.)

B14-28
B14-29

B14-30

Why is it reported that wine growers are ripping out citrus trees?
Answer: Wine Spectator Sept. 15, 2001 reports that growers "ripped out nearby citrus groves where the insects winter and lay their eggs, removed infected vines on which the insects could feed and then further spread the disease and replanted with more resistant varieties." To destroy a favorite habitat of GWSS and to allow for more wine grape production. NO GWSS and Pierce's Disease are not a threat to citrus, the wine grower is.

Why is it that Callaway Vineyards was particularly hard hit with Pierce's Disease? Wine Spectator Sept 15, 2001 responds that close to 40 percent are gone because its vineyards "are heavily planted with highly Pierce's disease susceptible Chardonnay and Sauvignon Blanc. " Why do we fund an Emergency program for an

industry that expects taxpayers to pick up the tab for their poor farming choices of locations and methods.

Why doesn't CDFA require disease testing to insure disease is not spread? In Wine Spectator Sept. 15, 2001 it was reported regarding the Temecula devastation that research entomologist Matthew Blua, at the University of California at Riverside, "...noted that some of those vines could have recovered if the disease was limited to a part of the plant that can be pruned off." CDFA why not require testing pruning of the disease before it shows up August to mid September since it is such a slow moving disease.

Wine Spectator also documents amazing multi-million dollar financial investments of new facilities and visitor center, the wine growers in this devastated region and their whole-hearted optimism. Some how it triggers outrage that I will be subjected to toxic chemical trespass and have to flee to avoid life-threatening injury for the sake of this arrogance, greed, and poor farming choices, and using their words "stupidity". Would they sacrifice their life for this emergency?

2.1 Program Under Review "Several strains of this bacterium exist, attacking and causing damage to different host plants including grapes, citrus, stone fruits, almons, alfalfa, and oleander, and certain shade trees. . ."

CDFA needed to fabricate this statement to deliberately mislead the public and the politicians in order to defend their emergency alcohol/aid program, that potentially displaces the disabled sick and sensitive population, forced toxic chemical trespass on private citizens yards, ruins citizens organic gardens, and adds one more pollutant to the already high toxic load of our society on those most vulnerable, children, elderly, infirmed, and pregnant women, etc. In fact Pierce Disease carrying GWSS have caused no damage to citrus in California because the Pierce's Disease strain that kills citrus is not in the United States. Other strains of Pierce's Disease are not in our region of the country.

As questioned before, CDFA needs to clearly identify the food crop damage so date. Does any food emergency warrant murdering anyone when food could be grown in other nations?

The State of California has an obligation not to exterminate or displace disabled persons, but relocate those who are sensitive to a tolerated region of the state that will never be sprayed; if determined that life as we know it on this planet will cease if the GWSS in my yard are not exterminated with pesticides. If the State of California would stop risking my life and the lives of my loved ones and my disabled and healthy coalition members for frivolous causes, I would be happy to demonstrate in a laboratory, how my lungs

constrict using ultrasound when exposed to the maximum legal pesticide levels in the air that are not detectable by smell. In fact, if this test were performed on healthy people, their lungs would likely constrict, demonstrating why healthy people get sick when they move near a California Farm that uses toxic chemicals. This is just one test of many that could be done in a controlled situation, and is finally refused. While the science exists, California prefers to committee to murder its citizens rather than fund a study with the department of environmental health as a precautionary measure to see if everyday exposure to pesticides in the air can constrict the lungs of healthy people.

B14-33
(cont.)
From the California Environmental Quality Act 21000 (g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

Please explain how a suitable living environment for every Californian has been the guiding criterion in this public decision to continue with the emergency spray program for the wine industry, when disabled people are potentially uprooted and displaced and denied access to their homes and yards? CDFA assumes that disabled people access parks, and other locations that use pesticides. We have to avoid them. Putting them on our property or adding them to our air is a hostile violent and potentially criminal act.

"The glassy-winged sharpshooter is prolific, disperses rapidly, and transmits the bacteria from grapevine-to-grapevine, it has the ability to substantially increase the incidence of Pierce's Disease in California." Pierce's Disease has been in California for 100 years. GWSS has been in California for 10 years. The reason for the devastation in Temecula was that the growers didn't test for disease and prune the diseased vines. They planted near citrus, where Pierce's Disease carrying GWSS have lived for a decade with no harm to citrus. Now the Citrus trees are being ripped out for the sake of alcohol crops. A fact, the greatest threat to the citrus industry is not GWSS and Pierce's Disease but the wine grower that will kill any food producing crop so he can grow less Pierce Disease tolerant, exotic vines.

B14-34
Under CEQA 21060.3 the definition of Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. So why are we funding a program that has the potential to cause loss of life, damage to health, property and essential public services for alcohol? Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage.

There is never any justification to use pesticides in non-agricultural area, unless more lives will be lost if no spraying occurs. This program only truly protects the wine industry, from a pest that has been in the state for 10 years from a disease that has been

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here for 100 years on the most vulnerable imported wine crops. Indeed there is adequate evidence that this program risks public health, due to the fact that pesticide products testing is lobbied by the powerful chemical corporations to not include the often more toxic secret inert ingredients giving any claim to safety completely based on government sanctioned industry JUNK SCIENCE. There is no scientific evidence that pesticides are safe for anyone. In fact any claim made of no harm or safe is against federal statutes. PLEASE DEMONSTRATE WITH EVIDENCE WHY THIS RAPID RESPONSE PLAN PUBLIC TOXIC LAW AS AN EMERGENCY PROTECTING LIFE, HEALTH, AND ESSENTIAL SERVICES SUBSTANTIATES CHEMICAL TRESPASS. I CAN FIND NO EVIDENCE THAT AGRICULTURE FOOD CROPS ARE SERIOUSLY THREATENED BY GWSS. Other countries and states will tell us "food if needed."

Under federal law, a product is declared "misbranded" if it utilizes

"... (v) Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government"

"(x) Claims as to the safety of the pesticide or its ingredients, including statements such as "safe," "nontoxic," "nonpoisonous," "nonirrituous," "harmless," or "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed"; and

(x) Non-numerical and/or comparative statements on the safety of the product, including but not limited to:

- Contains all natural ingredients"
- Among the least toxic chemicals known"
- Pollution approved"

"... (g) Ingredient statement--(1) General. The label of each pesticide product must bear a statement which contains the name and percentage by weight of each active ingredient, the total percentage by weight of all inert ingredients, and if the pesticide contains arsenic in any form, a statement of the percentages of total and water-soluble arsenic calculated as elemental arsenic. The active ingredients must be designated by the term "active ingredients" and the inert ingredients by the term "inert ingredients," or the singular forms "of these terms when appropriate."

2.5 Summary of Impacts – Impact LU-3: "Under the rapid response component of the PDCP, non agricultural areas could be treated with pesticides. Residents... would be advised to avoid treated areas until re-entry conditions were met (typically 2 hours). This statement discriminates against the rights of sick and disabled to have safe access to their homes. Clearly establishes that the Governor of this state cares more about wine than

**B14-34
(cont.)**

disabled people. I know of no doctor of a person injured by pesticides and other chemicals that recommends that they continue to expose themselves to these products or can make a claim that no harm will occur. In fact, a medical director of the Dow Corporation, who we would consider the enemy, about 7 years before Durshan was taken off the market instructed me to avoid a property for 8 days after application. Durshan is reported by the EPA to cause chemical intolerances. Durshan was used everywhere, homes, schools, parks, etc. It is possible that this one product caused the epidemic of chemical intolerance in California. Chemical intolerance can affect many organs and can be tested with proper challenge testing to prove etiology. However, California does not provide access to such testing. Medical doctors generally won't exposure test people who are sick with low-detectable levels of pesticides due to the ethics and liability.

**B14-38
(cont.)**

Many of these sick, dying disabled people have carefully followed doctor's orders in avoiding pollutants to improve their health. Even my medical insurance company, instructs all asthmatics to avoid fragrances and other chemicals that trigger asthma. Going to a hotel is too toxic for those bedridden and homebound. They need to be transported in special disabled accessible cleaner air emergency vehicles to special cleaner air hospital units (I believe there is an accessible one in Marin County) that would house them until they could safely return home. Their houses would have to be sealed with a vapor barrier to prevent intake of pesticides. Residues would have to be monitored in the soil, and carpet and humans if they couldn't leave. Some would have to avoid their gardens and property for months, to avoid exposures. They would have to insure that no one tracked in pesticides into their houses onto the carpets where fine particles would combine with the carpet dust and be there for an undetermined amount of time. This type of mitigation is required under federal ADA law as well as CEQA as a mitigation.

In the Medfly program is my understanding that some hotel bills were paid for people who had to flee their homes. (CDFA) under the Public Records Act please produce any records of compensation for hotels or other expenses, damages during the Medfly program for residents to avoid pesticide spray.) Perhaps since this is an emergency and Pesticides are not used in the State Capitol the nearly 1 million disabled people could live in tents there. Now that a community-wide pesticide spray program has moved into the more northern coastal areas of the state that are commonly known as a cleaner and safer environment for those who are the sick. A simple hotel is not satisfactory. Also, not mentioned are the sick homeless individuals that may be affected by communities that are sprayed, they don't even have accessible homeless centers and are forced to live in vehicles. It should be noted that scientific evidence is not required by law to establish a person as disabled. CDFA and the State of California clearly discriminate against the disabled. It should be noted that this is not just a small application of pesticides like a homeowner would employ on one tree, but an intensive widespread application up to 300 yards to ensure every insect is dead. This program promises you will be sprayed against your will, your soil soaked with poisons that are not suitable for food crops, your trees and bushes sprayed with a very potent toxic chemical with the intention to irradiate the pest, and

B14-35

here for 100 years on the most vulnerable imported wine crops. Indeed there is adequate evidence that this program risks public health, due to the fact that pesticide products testing is lobbied by the powerful chemical corporations to not include the often more toxic secret inert ingredients giving any claim to safety completely based on government sanctioned industry JUNK SCIENCE. There is no scientific evidence that pesticides are safe for anyone. In fact any claim made of no harm or safe is against federal statutes. PLEASE DEMONSTRATE WITH EVIDENCE WHY THIS RAPID RESPONSE PLAN PUBLIC TOXIC LAW AS AN EMERGENCY PROTECTING LIFE, HEALTH, AND ESSENTIAL SERVICES SUBSTANTIATES CHEMICAL TRESPASS. I CAN FIND NO EVIDENCE THAT AGRICULTURE FOOD CROPS ARE SERIOUSLY THREATENED BY GWSS. Other countries and states will tell us "food if needed."

B14-36

B14-37

B14-38

B14-40

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along with it any beneficial species from your yard. Dr. Peter Kurtz told me personally that I would have to have my property sprayed with pesticides ignoring my disabling medical condition with documented life-threatening episodes to safe levels of pesticides. Clearly, California considers the sick disabled as dispensable human beings for freedom cost statewide pest control for the alcohol industry. I have a better survival rate with Osama Bin Laden than this spray program.

**B14-40
(cont.)**
Impact LU-5
General PDCP EIR Comments:

This EIR deliberately and in a hostile manner discriminates against disabled chemically sensitive people. These may include people with asthma, hyper-responsive airway disease, emphysema, and other pulmonary diseases, people with cancer, and other immune system disorders, people with Multiple Sclerosis, Parkinson's, Toxic Encephalopathy, seizures, and other neurological disorders, people with irregular heart beat, and other cardiac disorders, people with detoxification diseases such as liver disease and other conditions that have been overlooked by this author. Clearly it is recognized that people with many disabilities are affected by low level chemicals and are considered chemically sensitive. They are dismissed as being unknown and insignificant. CDFA further singles out the disabled chemically intolerant recognized by the EPA as developing chemical intolerances from organophosphates (EPA Recognition and Management of Pesticide Poisoning page 37 and 2) and implies that their chemical injury is not real is a deliberate libelous act.

B14-41

This EPA book cited states that pesticide poisoning is a common under-diagnosed condition due to the lack of doctor training. It also adds that this book is a "current consensus recommendations for management of poisonings and injuries cause by them." Thus clearly establishing chemical intolerances as being caused by pesticides, in fact by a pesticide now not in public use. Signaling us out, subjecting us to further hostilities in every aspect of life implying that our illness is not real, not needing protection, because of the uncertainty about the mechanism of our illness. So while CDFA and Dr. Peter Kurtz have indicated that they will force spray pesticides on my property against my doctor's wishes CDFA fails to disclose the concern of the Environmental Task Force regarding the inert pesticide ingredients, the huge amount of unknowns regarding the effect of the full pesticide product on human beings, which I call junk pesticide science regarding all synthetic pesticides I maintain that because of the state of California's continual neglect to investigate the real cause of chemical sensitivity and document what exposures are hazardous to this group that as a group we have been subjected to widespread discrimination because we need to avoid chemicals. Whereas other disabilities are not completely understood, but accepted and not ridiculed, only with chemical sensitivity does the government seek to shun, ridicule, and dismiss us. This is libel.

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California Civil Code 45, Label is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.

Again under California Civil Code (3), "Qualified permanent resident" also means a disabled person or person with a disabling illness or a injury who is a child or grandchild of the senior citizen or a qualified permanent resident as defined in paragraph (2), who needs to live with the senior citizen or qualified permanent resident because of the disabling condition, illness, or injury. For purposes of this section, "disabled" means a person who has a disability as defined in subdivision (b) of Section 54.

51.7. (a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this which results in a condition meeting the definition of disability set forth in subdivision (b) of Section 54.

54. A "disabling injury or illness" means an illness or injury which results in a condition meeting the definition of disability set forth in subdivision (b) of Section 54.

51.7. (a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this which results in a condition meeting the definition of disability set forth in subdivision (b) of Section 54.

**B14-41
(cont.)**

43. Besides the personal rights mentioned or recognized in the Government Code, every person has, subject to the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm, from personal insult, from defamation, and from injury to his personal relations.

45. Label is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.

(CDFA by declaring that the chemical sensitivity community is not worthy of mitigation, CDFA has deliberately endangered this population, not only with this program, but statements that they are protected by current safety margins challenges their recognized disability and endangers them in all aspects of their lives.

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Pesticide applicators, landlords, and government officials will potentially make pesticide application decisions that discriminates and harms this population. How can the State of California recognize Multiple Chemical Sensitivity (MCS) as a disability, provide cleaner air disability signage, and Social Security Administration established that MCS is a medically determined condition, and CDFA is a few sentences, (because no government wishes to study and research the etiology of the condition), state that they and others with sensitivity medical conditions need no mitigation, no special accommodation, in spite of their medical records that demonstrate life-threatening responses? There statements by CDFA may lead pesticide applicators to assume that people with sensitivity medical conditions are crazy. If a lawsuit results from a spray application ordered by CDFA, the liability is huge for the State of California as well as the pesticide applicator, because CDFA does not discuss the full truth.

Pesticides are recognized as a barrier to people with certain disabilities and medical conditions. CDFA implies that it is impossible to have cumulative or acute symptoms from normal pesticide use because it has never been studied. They fail to inform the public that they base their toxicology assumptions on less than half of the pesticide product, the active ingredients. The synergistic effects of the secret inerts and the active ingredients are not considered. The inerts are also toxic chemicals that can make up more than half of any pesticide product. Also the combination with medications and other chemical exposures are becoming increasingly implicated as seriously affecting human health.²⁰ Where the level toxic dose of the active ingredient has no apparent correlation with the symptoms that trigger life-threatening reactions in a few, CDFA has failed to contact the EPA to confirm these observations in a portion of the population.

51. (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.
 (b) All persons within the jurisdiction of this state are free and

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equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. (What a lie this is, disabled people all over this state do not have access to appropriate services because of indoor air quality and pollution. CDFA with this program will make our homes, property, and the rest of our community inaccessible.)

B14-41 (cont.)

(e) For purposes of this section:

(1) "Disability" means any mental or physical disability as defined in Section 12926 of the Government Code.

(2) "Medical condition" has the same meaning as defined in subdivision (h) of Section 12926 of the Government Code.

(f) A violation of the right of any individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

(3) "Qualified permanent resident" also means a disabled person or person with a disabling illness or injury who is a child or grandchild of the senior citizen or a qualified permanent resident as defined in paragraph (2) who needs to live with the senior citizen or qualified permanent resident because of the disabling condition, illness, or injury. For purposes of this section, "disabled" means a person who has a disability as defined in subdivision (b) of Section 54. A "disabling injury or illness" means an illness or injury which results in a condition meeting the definition of disability set forth in subdivision (b) of Section 54.

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54.1. (a) (1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation, whether private, public, franchised, licensed, contracted, or otherwise provided, telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(b) (1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all

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persons".
 (2) "Housing accommodations" means any real property, or portion thereof, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within subdivision (a) or any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

54.3. (a) Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54 and 54.2 is liable for each offense for the actual damages and any amount as may be determined by a jury, or the court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000), and attorney's fees as may be determined by the court in addition thereto, suffered by any person denied any of the rights provided in Sections 54, 54.1, and 54.2.
 (b) Any person who claims to be aggrieved by an alleged unlawful practice in violation of Section 54, 54.1, or 54.2 may also file a verified complaint with the Department of Fair Employment and Housing pursuant to Section 12948 of the Government Code. The remedies in this section are nonexclusive and are in addition to any other remedy provided by law, including, but not limited to, any action for injunctive or other equitable relief available to the aggrieved party or brought in the name of the people of this state or of the United States.
 (c) A person may not be held liable for damages pursuant to both this section and Section 52 for the same act or failure to act. (It appears anyone may file a complaint and lawsuit on behalf of the million chemically sensitive potentially disabled persons for the lack of mitigation in this program.)

(d) Emphasis shall be made on the need of the citizenry to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions. (You attempted to provide scent free/chemical free accommodations at the EIR Draft meetings, why are you discriminating in this program by forcing us from our homes to protect our health?)

(e) It is the policy of this state to encourage and enable disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment. (With pesticides, fragrances and other indoor air pollutants in public

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places, we are denied access to school, church, work, court, medical care, public parks, and other locations. It certainly doesn't seem to be a state policy for all disabilities.)

55. Any person who is aggrieved or potentially aggrieved by a violation of Section 54 or 54.1 of this code, Chapter 7 (commencing with Section 4150) of Division 5 of Title 1 of the Government Code, or Part 5.5 (commencing with Section 19951) of Division 13 of the Health and Safety Code, may bring an action to enjoin the violation, The prevailing party in the action shall be entitled to recover reasonable attorney's fees. (CDFA if I filed a lawsuit to protect people with disabilities am I personally liable for any legal fees incurred by CDFA?)

55.1. In addition to any remedies available under the Federal Americans with Disabilities Act of 1990, Public Law 101-336 (42 U.S.C. Sec. 12102), or other provisions of law, the district attorney, the city attorney, the Department of Rehabilitation acting through the Attorney General, or the Attorney General may bring an action to enjoin any violation of Section 54 or 54.1. (CDFA is it true that the District Attorney can not defend the disabled people discriminated against by the State of California CDFA?)

California Environmental Quality ACT

CALIFORNIA CODES
PUBLIC RESOURCES CODE
SECTION 21080-21096

21080. [a] Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance or zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division.

(CDFA, why not make a zoning ordinance that no Pierce's Disease prone crops can be planted in Pierce's disease areas, farmers can use their land for other produce.)

B14-43 (cont.)

B14-43 (cont.)

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(4) Specific actions necessary to prevent or mitigate an emergency. (CDFA you need to mitigate for disabled people and give them the opportunity to test to prove their sensitivity, provide them with new housing in a location guaranteed not to be sprayed)

(2) An initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence. (CDFA are you going to force disabled people from their homes until the pesticides are truly gone, up to 6 years later in the case of one pesticide. We assume that you require us to prove your program caused harm, and that you won't provide the testing for us to prove our disability. That could mean major lawsuits against the pesticide applicator and the state)

(e) (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (CDFA where can I submit my evidence that I have hyper-responsive airway disease, and toxic encephalopathy?)

(2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. (I don't believe in speculation either, I had a life-threatening incident with a pesticide that was put down properly four days before, diagnosed as pesticide poisoning in the Emergency room, where do I submit my evidence, did you expect me to conduct a scientific study to prove people are affected?)

21080.1. (a) The lead agency shall be responsible for determining whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required for any project which is subject to this division. That determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167.

(b) In the case of a project described in subdivision (c) of Section 21065, the lead agency shall, upon the request of a potential

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applicant, provide for consultation prior to the filing of the application regarding the range of actions, potential alternatives, mitigation measures, and any potential and significant effects on the environment of the project.

21080.1. (a) The lead agency shall be responsible for determining whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required for any project which is subject to this division. That determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167.

(b) In the case of a project described in subdivision (c) of Section 21065, the lead agency shall, upon the request of a potential applicant, provide for consultation prior to the filing of the application regarding the range of actions, potential alternatives, mitigation measures, and any potential and significant effects on the environment of the project.

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B14-45

21080.2. In the case of a project described in subdivision (c) of Section 21065, the determination required by Section 21080.1 shall be made within 30 days from the date on which an application for a project has been received and accepted as complete by the lead agency. This period may be extended 15 days upon the consent of the lead agency and the project applicant.

21080.3. (a) Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and with any other public agency which has jurisdiction by law over natural resources affected by the project which are held in trust for the people of the State of California. Prior to that required consultation, the lead agency may informally contact any such agency. (CDFA did you ask the EPA if they will guarantee the safety of people with chemical intolerances caused by Durban when you spray our homes?)

(2) The rules and regulations adopted by the administering agency for the regulatory program do all of the following:
(A) Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. (CDFA tell the growers to grow something not affected by the Pierce's disease that is in our state.)

(F) Require notice of the filing of the plan or other written

B14-45
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documentation to be made to the public and to any person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or any person requesting notification with sufficient time to review and comment on the filling. (CDFA you didn't consider that disabled people have a harder time reading and processing documents of this size)

(3) The plan or other written documentation required by the regulatory program does both of the following:

(A) Includes a description of the proposed activity (CDFA what pesticides will you use?) with alternatives to the activity, and mitigation measures to minimize any significant adverse effect on the environment of the activity.

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unknown amount of family relations, and other disabled populations at reduced costs and housing available for healthy persons who no longer wish to be the acceptable risk for chemical based products. CDFA reports that every sixty days a new foreign pest enters California, if we are not going to stop the insect invasions at the border then alternative housing is needed to guarantee safe access to disabled people's homes.

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(cont.)

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Notes for EIR :

1.3.8 Public Services, substantial demand for new services,..... if there going to spray, disabled chemically injured need a new place to live. Construction. See disability rights info.

The plan or other written documentation for temporary or permanent housing for people with EI/MCS who must evacuate due to medfly or other pest eradication applications." I and other disabled coalition members have personally requested alternative housing and were ignored. Perhaps Governor Davis could set aside the land between Morro Bay and Monterey on the coast for an MCS EI city that is totally accessible and forever pesticide free for the one million adult MCS Californians and the

The Hazard Scoring System for Pesticides

- Ms. Meriel Watts

Introduction

The impetus for the development of the Hazard Scoring System for Pesticides has been the need for a nationally applicable system for measuring the reduction of risks resulting from pesticide use.

There are a number of reasons for choosing a hazard scoring approach rather than a risk scoring approach:

- failure of toxicological assessment processes to accurately identify all risks, such as the effects of long term low level exposure and effects on genetically sensitive people
- lack of data on exposure
- lack of data on the effects of adjuvants, contaminants and metabolites
- lack of data on cumulative impacts and interactions
- the assumption of positive dose-response relationships when this may not always be the case.

2-1 Impact LU-3 Residents will be notified advised to avoid treated areas two hours, $\frac{1}{2}$ lives. In California Legislature Senate Subcommittee, The Rights of the Disabled, Final Report Access for People with Environmental Illness/Multiple Chemical Sensitivity and other Related Conditions on page 15 - "Establish Safe areas of refuge for temporary or permanent housing for people with EI/MCS who must evacuate due to medfly or other pest eradication applications." I and other disabled coalition members have personally requested alternative housing and were ignored. Perhaps Governor Davis could set aside the land between Morro Bay and Monterey on the coast for an MCS EI city that is totally accessible and forever pesticide free for the one million adult MCS Californians and the

(CDFA the above lists demonstrates the great deal of uncertainty and unknowns about pesticides. Please explain how you can guarantee anyone's safety. Please identify all the acceptable risks of this program on human health.)

The result is a great deal of uncertainty which is not accurately reflected in risk terminology: the term 'risk assessment' tends to convey a degree of sophistication of knowledge which does not exist. It is preferable in my view to remain as close to the data as possible and reduce the levels of uncertainty as far as possible. The problems with accuracy in risk assessment are further compounded by the gulf between lay and expert assessments because of the different frameworks within which the assessments are being made.

The Hazard Scoring System

The main distinguishing feature of this system is the manner of its proposed use - that is as a means of progress evaluation at the core of a national pesticide risk reduction policy. This means that its final form should be developed, and its implementation should be undertaken, by the decision-making group involved in the pesticide policy, rather than by experts. The decision group should consist of equal representation of public interest groups and pesticide user groups, assisted by scientific experts and government policy personnel. The Hazard Scoring System should therefore be capable of meeting the needs of these two groups.

The system is based on simplicity in order to apply to the widest possible set of circumstances, in order to remain as close to accurate datasets as possible, and in order to be understood and supported by the public.

1. Choice of parameters

Whilst the ultimate choice of parameters would need to be made by the decision group, this model proposes parameters which I believe to reasonably reflect general societal concerns.

The Hazard Scoring System does not attempt to weigh environmental and human health hazards; it retains separate scores. The prime reason for this is that the relative importance of human health and environmental health should be a societal decision, not a scientific or grower's decision. Retaining the scores separately allows the community to track progress or lack of progress in both areas. If it is found that, for example, the hazard scores for human health are consistently driving downwards but at the expense of environmental hazard, or vice versa, then this can be clearly identified and the appropriately informed policy decision made.

There is a strong tendency amongst public interest groups for a greater concern about chronic health effects than about acute effects, whereas pesticide users are perhaps more concerned with the latter. Often, as the acute hazard decreases chronic hazard increases (for example, compare azinphos with chlorothalonil) although this is not always so (eg glyphosate). There may perhaps therefore be merit in separating the parameters for acute and chronic subchronic toxicity, so that each pesticide has a final score in 3 parts:

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*acute human hazard
chronic human hazard
environmental hazard.*

Chemical sensitivity

Another major area of public concern with respect to human health is that of chemical sensitivity. I have searched the medical literature on chemical sensitivity to ascertain if it is possible to incorporate a parameter for this health effect in the Hazard Scoring System - without a great deal of success. Limited findings are presented below.

Onset of sensitivity:

There are indications that the initial onset of chemical sensitivity may be linked to acute and chronic toxicity. Dr William Rea (1992) notes that all pesticides can cause sensitivity, but those which may cause the greater problem are those which are extremely toxic, bioaccumulative and lipophilic chemicals. With respect to chlorinated pesticides he notes that the degree of sensitivity appears to be a function of the extent of chlorination on the molecule.

Rea (1992) links a number of specific groups of compounds to chemical sensitivity:

- Sulfur- and phosphate-containing pesticides can damage the vigor of cytochrome P-450, the catalytic enzyme which is the mainstay of the microsomal monooxygenase system for detoxification of xenobiotics. Failure of this enzyme can result in chemical sensitivity.
- As one of the mechanisms of chemically sensitivity is immunological, pesticides that are immuno-suppressive or immuno-deregulatory can be a particular problem. Rea mentions specifically a number of organochlorines, carbaryl, malathion, chlordiprop, and parathion.

Triggers for the chemically sensitive:

Given the lack of understanding of the mechanisms of chemical sensitivity (in particular the effects of pesticides on biochemical processes) it would be unwise to assume that there is a direct correlation between effect on the chemically sensitive and toxicity. This point is illustrated by Rea's observation that ethylene bis dithiocarbamate fungicides have low mammalian toxicity, but that they exacerbate chemical sensitivity. Sulphur compounds, of low

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acute and chronic toxicity, appear to enhance chemical sensitivity according to Rea.

In addition the individuality of response to a chemical by the sensitive may mean that one pesticide that has a particularly drastic effect on one person because of its effect on a specific enzyme system already weakened (eg by lack of minerals, genetic predisposition, etc), may not so adversely affect a second person, who by virtue of their biochemical individuality is more sensitive to a different type of chemical.

A parameter for chemical sensitivity:

In conclusion it seems that it is not possible to incorporate a parameter for chemical sensitivity in a hazard scoring system. However it is important to ensure that what ever system is used reflects the potential for effect on the chemically sensitive. Rea (199) claims that "all pesticides can produce toxicity and sensitivity in humans". Certainly the experience of some New Zealand medical practitioners is that the low hazard herbicide glyphosate can cause quite severe problems at low level exposure for the chemically sensitive (Davies et al 1998). For this reason a scoring system based on zero is rejected in favour of a scoring system based on 1.

Table 1: Proposed Indicators for a Hazard Scoring System

Human Health Acute	Chronic	Environmental
LD50 oral/dermal/inhalation*	Subchronic/chronic NOELs	Earthworms
Skin and eye irritation	Eudocrine disruption	Beneficial insects
Sensitisation	Immunotoxicity	Bees
	Neurotoxicity	Aqu. plant/fish/invertebrates
	Carcinogenicity	Birds
	Mutagenicity	Non-target invertebrates
	Reproductive effects	Soil micro-organisms
	Bioconcentration - Kow	

Persistence in soils -
DT50

Leaching potential -
GUS

Volatility - Henry's
constant

* the highest of these values

2. Scoring

As with the selection of parameters, it is important in selecting a scoring method to be cognizant of public concerns and pesticide user needs. The method therefore needs to be one that is on the one hand scientifically accurate and justifiable, and on the other, relatively easily understood, trusted and supported. An algebraic approach is rejected primarily because the system is measuring hazard not risk.

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The HS uses a simple step function, with a range of 1-10. Extending the range from the commonly used 1 - 5 or 0 - 5 lessens the threshold effect of two very closely related values being assigned significantly differing scores.

The scores are summed to provide three separate hazard scores for each pesticide. These can be scaled to reflect the number of parameters in each category to avoid any artificial weighting. For an individual pesticide, each of the category scores is multiplied by its total use volume to provide a total hazard figure for each pesticide for the whole country, in the three separate categories of acute and chronic health hazards and environmental hazard.

3. Dealing with Data Gaps

Funtowicz and Ravetz (1992) refer to the importance of anecdotal evidence and statistics that are gathered - what they refer to as "extended facts" - in the public policy arena, an amalgamating of science and public experience in response "to the changing needs of humanity". Such an approach could be successfully used in dealing with data gaps in the Hazard Scoring System, and the following procedure is suggested:

1. Information from the 'grey' literature and anecdotal evidence is collated.

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2. The literature is reviewed by the decision group, aided by independent toxicological assessment.
3. Scores are allocated on the basis of the following decision rules:
 - i. where there is no evidence of adverse effect a low median (ie median of lowest 25th percentile) is applied;
 - ii. where there is limited evidence of effect the median is applied;
 - iii. where there is considerable concern and/or evidence the upper 75th percentile median is applied.

This approach has some similarities to that of Pease et al (1996) who incorporated incident data and monitoring results into their model. Such information could also be incorporated into the FISS. However the approach presented here has advantages for countries where actual data on health effects and environmental contamination is lacking.

References:

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 Pease, W.S., Liebman, J., Landy, D., Albright, D. 1996. Pesticide Use in California: Strategies for Reducing Environmental Health Impacts. California Policy Seminar, University of California, Berkeley, California.
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 Watts, M.A., MacFarlane, R. 1997. Reducing Reference: a Review of Pesticide Reduction Initiatives. Pesticide Action Network Asia and the Pacific, Penang.
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¹ The basing of a decision group such as this on democratic principles would require the exclusion of groups with conflict of interest - such as those whose prime motive is profit, the growth of which might conflict with the reduction in risk.

² On a sample ranking scale of 0-10, azirphos scored 7 for acute and 2 for cancer, whereas chlorothalonil scored 1 for acute and 6 for cancer. Data from Pease et al (1996) and EXTOXNET.

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Ms. Watts has a Bachelor of Agricultural Science and a Masters in economics, environmental law and applied entomology and is currently completing her PhD in pesticide policy.

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She is currently work with the Soil and Health Association of NZ (an organic growers organisation). She is an advocate for community and environmental groups on issues relating to pesticides on a number of government and industry committees including NZ's Pesticide Board (national registering authority), National Spray Drift Advisory Group, NZ Apple and Pear Marketing Board's Integrated Fruit Production Committee, Tussock Moth Science Advisory Group, etc. She also represents NZ and the South Pacific environmental and community groups on the Steering Council of Pesticides Action Network Asia and Pacific. She attended the OECD Pesticides Forum Risk Indicators Workshop in Copenhagen in 1997, as observer for New Zealand's Ministry of Agriculture.

*NOTE: Here's the information from EXTOXNET, and other sources on the pesticides, my notes are in Parentheses and enlarged type within the document. I have also underlined important passages within each document.

This first document is found at the following website sponsored by the Ontario Family College of Physicians

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"WHAT ARE THE ASSOCIATED TOXICITIES OF THE MOST COMMONLY USED PESTICIDES?

1. ORGANOPHOSPHATES & CARBAMATES: Diazanon, Durban, Basudin, Sevin

Both organophosphates and carbamates bind cholinesterases and block their action in the hydrolysis of the acetylcholine neurotransmitters, thus acting principally in the parasympathetic and central nervous system. These have now become the most widely used agricultural pesticides.

• Infants under 6 months appear to be particularly susceptible because they have incompletely developed acetylcholinesterase systems and their immature livers are unable to detoxify these compounds.¹

(CDFA please explain again how children are more tolerant of pesticides. My child had the liver of an alcoholic, all he did was go to public school where Durban was used weekly. He also was exposed to other chemicals and Durban, though at much less of an exposure, in our home, school, and neighborhood. We're not trying to prove one or the other caused this effect. It obviously would have to be a combination. But it is accepted by every doctor my son has seen that he is chemically injured. He also has brain damage and other health problems associated with the too many chemicals that show up in his blood.

Let's me see if I get this straight, my numerous doctors warning for my chemically injured child to avoid pesticides is not acceptable to you because it was not written up in a study. You will spray us against our will because we can't produce what evidence? When will you give us the chance to present evidence of chemical injury to avoid your forced spray program?)

• It appears that not only is this age group more susceptible to toxicity due to physiological differences but their activity and diets also put them at increased risk. Zwilner and Gansberg¹² investigated 37 children exhibiting moderate to severe organophosphate and carbamate toxicity. Although the majority were the result of accidental ingestion 17% of the patients developed signs and symptoms of moderate to severe pesticide toxicity after playing on sprayed surfaces. (CDFA please explain again how it is impossible for a person or child to have

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been chemically injured before you spray GWSS pesticides and not be sensitive to future exposures of these types of chemicals?)

• Visual system damage is linked to dietary exposure to some cholinesterase inhibitory compounds.¹

• Neurotoxicity depends on the stage of brain development of those exposed.

As different human brain structures have varying peak periods of growth it is felt that, like lead toxicity, prenatal and early childhood exposure is particularly toxic.¹

• Sherman (1995) describes 4 children with an unusual pattern of birth defects including defects neurological and genitilia. Exposures had occurred in utero to Durban an organophosphate pesticide. A review of the literature shows similar defects in test animals and other children exposed to organophosphates.¹³

http://216.239.33.100/search?q=cache:G2EIf9vrs5CGC:www.Pearl.org/pestiched/pesticides_and_health_kit.pdf+sevin+immin+compront+gedthl=en.

"Pesticides affect sensitive groups to a disproportionate degree. Children, who developmental patterns, physiology, and behavior make them more susceptible than adults; immune-compromised and chemically sensitive patients; and asthmatics may report pesticide-related symptoms that are different from or more pronounced than normal adults."¹⁴

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(cont.)

(CDFA it appears that sick people are not the only ones who do not believe pesticides are safe. It was explained to me by a CDFA employee that Durban was removed from the market as a deal with the industry, not because of health effects. This document would indicate that real physicians know otherwise. I think CDFA has been talking to the chemical industry too much and obviously should never be in charge of evaluating public health.)

Agencies involved in developing this document

Draft – For Public Comment

MEMORANDUM

TO: Policymakers and Mosquito Control Officers
FROM: Beyond Pesticides/National Coalition Against the Misuse of Pesticides

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http://f216.239.35.103/search?q=cache:PcSB50bN50MC:www.beyondpesticides.org/HSGUITO/reportsandpublications/draft_management_strategy.htm&saIn+immune+compromised.html+etc

(CDFA Both these items listed below were in the link included above and are part of a national mosquito management strategy document.)

"Choose the least dangerous pesticides. Do not use Durshar™ and Sivrin™; they are highly toxic."

The two types of pesticides used in spraying adult mosquitoes include synthetic pyrethroids and organophosphates. Scientific studies show that both types are dangerous, especially to vulnerable populations. Ironically, the same population that is most susceptible to severe encephalitis is also at risk of getting sick from pesticides: the elderly and people with compromised immune systems. A study conducted by the National Research Council found that pregnant women, infants, and children also have a greater risk of getting sick from pesticides."

(Continued from same document)

"Most experts agree that an efficient mosquito management strategy emphasizes prevention and monitoring methods. However, if these methods are not used properly, in time, or are ineffective, communities must decide whether or not to use pesticides. They must determine if they should risk exposing vulnerable populations to potentially fatal diseases caused by mosquitoes or to chronic or deadly illnesses caused by pesticides."

"Should pesticides be used, and if so, when, how often and what products? This report provides information on how to make these difficult choices. Unfortunately, until scientists can provide better evidence on the effectiveness of spraying, there is no way to know for certain if it is worth the risks of spraying. At the same time, the proven health threats associated with pesticide exposure can no longer be ignored."

(CDFA please don't ignore proven health threats, do a real investigation and fund proper studies by independent non industry connected medical facilities to truly determine some of the risks for the most vulnerable, and then you will protect us all.)

Two chemicals commonly used to control adult mosquitoes may be a dangerous combination. A recent scientific study showed cell destruction in laboratory animals when a pyrethroid called Permethrin was combined with insect repellents containing DEET. Dr. Mohammad Abou-Donia, a

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Duke University pharmacologist and co-author of this study, recommends that DEET should not be used with other chemicals or by people who are taking medication.

Dr. Abou-Donia is concerned that these chemicals are not only used in areas where there are healthy people, but where there are infants, children, and pregnant women. These and other vulnerable populations have a higher risk of becoming ill due to pesticide and DEET exposure. Additionally, several cases of DEET poisonings have been reported by EPA, including three fatalities. A recent study by Duke University researchers found that combines exposure to DEET and permethrin, which is a mosquito spray, could lead to motor deficits and learning and memory dysfunction.

Although the Environmental Protection Agency tests individual chemicals, they do not test the synergistic effects of using combined chemicals. More research needs to be done to determine the negative health effects of combined chemicals."

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(cont.)

(CDFA you never mention that the synergistic effects of inert, and using combined chemicals, drugs is risk to human health because the other chemicals that we will expose ourselves to are not considered in this program. It appears that Dr. Abou-Donia has scientifically synergism can be harmful and even fatal. Dr. Abou-

Donia can be found at Duke University. It seems that he may be working in a more modern method in the field of toxicology than the chemical industry and the EPA. I am requesting that CDFA consult with him about his opinion on the risks to the public with this program? The obvious real risks to our health mandate under CEQA that no non-agricultural spray program continue. Why does our legislature not require full product testing and synergistic testing with other common chemicals? Bleach is somewhat toxic, Ammonia is somewhat toxic but together they are lethal. As Steve Tvedten would say one and one don't make three, it makes three thousand.)

(CDFA I have highlighted passages in the following paragraph with underlining, and bold type. While I don't have the National Research Council and Academy of Science in the U.S. report mentioned below, I am requesting that you include one in the final EIR. I assume the findings of such an organization would also not be so readily dismissed by CDFA when considering a forced community spray program.)

B14-52

Two chemicals commonly used to control adult mosquitoes may be a dangerous combination. A recent scientific study showed cell destruction in laboratory animals when a pyrethroid called Permethrin was combined with insect repellents containing DEET. Dr. Mohammad Abou-Donia, a

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ENVIRONMENTAL HEALTH COMMITTEE NEWSLETTER FOR FAMILY PHYSICIANS
The National Research Council and Academy of Science in the U.S. was commissioned to study scientific and policy issues concerning pesticides in the diets of infants and children. They have concluded the following:

The amounts and variety of pesticides now used are far greater than in any other time in history. Both quantitative and qualitative differences in toxicity of pesticides exist between children and adults. Infants and children may develop toxic outcomes from smaller quantities due to different metabolic rates, greater absorptive areas, diets more concentrated with certain foods high in pesticides but they may also have outcomes such as neurological, behavioural, endocrinological and oncological that are not seen in adults due to critical windows of exposure both in utero and during certain growth phases. Tolerances, constitute the most important mechanism by which maximal allowable levels of pesticide residues in food are determined. Tolerance concentrations are based primarily on the results of trials conducted by pesticide manufacturers and are designed to reflect the highest residue concentrations likely under normal conditions of agricultural use.

Tolerances are not based primarily on health considerations. 1. Medical clinicians and researchers need to ensure that maximal allowable levels are based on health considerations - both in the level found on food sources and in that consequently found in water and soil.

Current regulatory systems look only at the average exposure of the entire population. As a consequence, variations in dietary exposure to pesticides and health risks related to age and to other factors such as geographic region and ethnicity are not addressed.¹

Diet is an important source of exposure to pesticides.¹ How is the issue of pesticides relevant to Canadian Physicians and their patient population?

Q. Is the chronic exposure from food and water, surface contact from lawn spraying, play structures and homes causing long term effects such as birth defects, neurotoxicity or increases in behavioral, endocrine, immunological and oncological diseases?

A. The Committee on Pesticides in the Diet of Infants and Children (CPDIC) concluded that the population is at great risk from the existing allowable levels of pesticide residues and that the data strongly suggest that exposure to these neurotoxic compounds at levels believed to be safe for adults could result in permanent loss of brain function when it occurs during prenatal and early childhood. Periods of brain development 1. Toxicologists agree that by extrapolation from hazard assessment studies conducted primarily in rodents, pesticides have the potential to produce toxicity in humans, a potential that investigated honcorenital human exposure, such as those presented by Leis et al., who demonstrated an association between yard treatments and soft tissue sarcomas (odds ratio 4.0) and the use of pest strips

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and leukemias (OR 1.7-3.0) in children.² Similar findings have been reported by Gold et al., who report an association between exposure to insecticide extermination and brain tumors (OR 2.3).³ Lowenborg et al., who report an association between household pesticides and leukemia (OR 4.0) and garden pesticides and leukemia (OR 5.6).⁴ and most recently Davis et al., who found odds ratios up to 6.2 for several pesticide specific exposures among children with brain cancer.⁵

Q. Are we as a medical community ensuring that pesticides, as a public health issue, are being adequately monitored and controlled to ensure appropriate protection of the population?

A. The CPDIC has demonstrated that infants and children are particularly at risk of consuming toxic amounts of pesticides. This data is transferable to our Canadian population and we need to ensure that our public health system includes methods of determining maximal allowable levels of pesticides in foods based on human health outcomes, that there is education and restrictions on home and institutional pesticide spraying where children and adults can be exposed to acute and chronic toxic levels of pesticides and support the use and development of nontoxic alternatives.

EXPOSURE TO PESTICIDES EXPOSURE OCCURS THROUGH INGESTION OF FOOD AND WATER AS WELL AS SKIN AND RESPIRATORY ABSORPTION

B14-53 (cont.)

* Although many pesticides act at the same site no calculations are made to determine multiple residual exposure in diets. Many food products will have a number of pesticide residues. Agriculture Canada reports that the average peach in Canada has 31 pesticide residues.⁶ The majority of these act at the same site! The parasympathetic and central nervous systems. Although the residue of one pesticide may not exceed the maximum allowable level, a number of pesticides of the same class, acting at the same physiological sites, will have a cumulative and possibly toxic effect.

WATER

* Pesticides are commonly found in water consumed by both rural and urban populations. Groundwater was found to have residues of 39 pesticides and their degradation products in a study of U.S. states and Canadian Provinces.⁷

* Allowable pesticide levels for water are calculated on the basis of adult exposure and toxicity but again the pediatric population is exposed to a considerably greater total amount of residues that are potentially toxic because they are consuming on average 4 times the amount of water per kg of body weight.¹

* Residues of pesticides that are "severely restricted" because of their serious effects on human health were also found in significant quantities in the water sources.¹

* Residues enter the water supply as they are leached from soil into ground water after home, lawn, roadway and agricultural spraying.

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RESPIRATORY AND SKIN ABSORPTION

- Infants and children can absorb enough pesticide through their skin to produce toxicity. There are a number of reports of infants and children presenting with poisoning secondary to playing on lawns and surfaces that have had pesticides applied.⁷ The surface area of infants per unit body weight is double that of the adult, infants have much greater unprotected skin contact with such surfaces and tend to mouth objects that may be exposed to these surfaces. It must also be realized that adults also are absorbing pesticide residues from such sources contributing to chronic exposure.

Insect repellents and pediculocides are concentrated exposures that are absorbed through the intact skin. There are reports of children developing behavioural changes, encaphalopathy, ataxia, seizures and coma following cutaneous exposure and neurobehavioural correlations have been found between cutaneous exposure and affective symptoms, insomnia, muscle cramps and urinary hesitation.⁹

- Farmers exposed to herbicides, through spraying and predominantly skin absorption, for more than 20 days per year have been found to have a sixfold increase of non-Hodgkins lymphoma.¹⁰ (CDFA no wonder 1: out of every 2 men and 1 out of every two women will get cancer, if just working with pesticides 20 days a year can increase your cancer risk six-fold. Many homeowners, mostly men would spray their yards every weekend. Perhaps we should test the population before CDFA sprays their yard and then after, to observe any minute changes in their immune systems to see if it is likely that cancer will develop from continuing working in our residential gardens.)

Pesticides are airborne thus they are found long distances from the site of application. Restricting the use of organochlorines (DDT, etc.) does not result in eliminating human exposure, as air, and then water and food contamination are not obstructed by borders.

WHY ARE PESTICIDES OF GREAT CONCERN IN THEIR EFFECT ON HUMAN HEALTH?

The most widely used pesticide function by disrupting neurological cellular function. The systemic toxic effects after acute exposure are well documented and the CDICG conclude that emerging data suggest that neurotoxic and behavioural effects may result from low level chronic exposure to organophosphates and carbamate pesticides.

(CDFA it amazes me that any government agency would consider a community spray program, can we afford to lower IQ and cause

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learning disabilities? I am requesting that neuropsychological monitoring be done before and after you spray, you monitor the bugs, well gets some courage and monitor those little children that will fund and play near your spray.)

These are commonly used pesticides in Canada: found in food, lawn and garden pesticides and household products.

B14-53
(cont.)
KELLADA

Prescribed commonly by physicians in Canada for treatment of head lice and scabies, this is a brand name for Lindane, an organochlorine. The organochlorines have been banned as agricultural pesticides because of their severe neurotoxicity and persistence in the environment. There is ongoing concern regarding their medical use as they are potent neurotoxins being used on the head and because they have been shown to have an increased cumulative mortality in animals.¹¹ Physicians should be using readily available alternatives that are not organochlorines.

WHAT ARE THE ASSOCIATED TOXICITIES OF THE MOST COMMONLY USED PESTICIDES?
(CDFA why didn't you tell us of the risks associated with children and Sevin?)

B14-53
(cont.)

Research into Gulf War Syndrome

Six years after the Gulf War there is still deep controversy over the causes of the severe health problems observed in the veterans. Reluctantly, the U.S. government has been slowly releasing data on possible Iraqi chemical exposures of the veterans, but many physicians, some of whom have reported that their jobs are being threatened, have said that this information does not explain the variety of symptoms observed. . .

Potential Causes of Gulf War Syndrome

In this complex situation, any or all of the following factors may have interacted to bring about specific symptoms in veterans. Obviously, the combinations of factors differ with individuals, hence it is likely that there is not one single explanation of the whole spectrum of symptoms. However, the following main categories are candidates for causal relationships with illnesses reported by veterans:

- Administration of three vaccines intended as protection against nerve and biological warfare agents. These were:
 1. Pyridostigmine, normally prescribed for myasthenia gravis and known to have serious side effects, especially when the person taking it is exposed to heat. It is also known that exposure to pesticides and insecticides (Baygon, Diazinon and Sevin) should be avoided when taking pyridostigmine because they can accentuate its toxicity. (CDFA why aren't you talking about this drug interaction risk, and the unknown risk of combined products?) Some women who took this drug during pregnancy and have breast-fed infants have seen side effects in their child.

w1. ORGANOPHOSPHATES & CARBAMATES: Diazuron, Durban, Basudin, seven Both organophosphates and carbamates bind cholinesterases and block their action in the hydrolysis of the acetylcholine neurotransmitters, thus principally in the parasympathetic and central nervous system. These have now become the most widely used agricultural pesticides.

(CDFA this has happened to my children who got sick after running through a treated yard, why aren't you monitoring the effect on people, since the data seems to be missing?)

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- Infants under 6 months appear to be particularly susceptible because they have incompletely developed acetylcholinesterase systems and their immature livers are unable to detoxify these compounds.¹
- It appears that not only is this age group more susceptible to toxicity due to physiological differences but their activity and diets also put them at increased risk. Zidener and Danabargil² investigated 37 children exhibiting moderate to severe organophosphate and carbamate toxicity. Although the majority were the result of accidental ingestion 17% of the patients developed signs and symptoms of moderate to severe pesticide toxicity after playing on sprayed surfaces.

B14-54

- Visual system damage is linked to dietary exposure to some cholinesterase inhibitory compounds.¹
- Neurotoxicity depends on the stage of brain development of those exposed. As different human brain structures have varying peak periods of growth it is felt that, like lead toxicity, prenatal and early childhood exposure is particularly toxic.¹ (CDFA can you prove that there will be no harm to children's brains, what about exposure testing and brain scan to be sure before you spray California kids. Monitor their IQ and hyperactivity.)

B14-55 (cont.)

- Sherman (1995) describes 4 children with an unusual pattern of birth defects including defects neurological and genitalia. Exposures had occurred in utero to Durban, an organophosphate pesticide. A review of the literature shows similar defects in test animals and other children exposed to organophosphates.¹³

2. CHLOROPHENONY HERBICIDES: Lawn & Weed Killers such as 2,4-D or Milex, Par³

These are another very widely used group of pesticides in Canada and worldwide; most commonly used to kill dandelions and broad-leaved weeds in lawns, parks, golf courses and school yards.

- Concern over possible carcinogenic risks from these products is heightened by the potential for widespread exposure. In addition to herbicide formulations used on lawns and in agriculture, these chemicals occur in many

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- * Dr. W. Foster, Head of the Reproductive Toxicology Section at Health Canada concludes, "On the topic of environmental exposures and human reproduction in women, that the consequences or exposure to environmental contaminants over the course of a lifetime are difficult to assess and the available literature does not support a clear conclusion that reproductive health of women has been adversely affected. Nevertheless, the absence of sound epidemiological data to support a causal association between various reproductive outcomes and exposure to chemicals present in the environment cannot be viewed as evidence that such an association does not exist - it is possible that trace contaminant levels may exert clinically subtle effects on female reproductive function such as altered steroid hormone levels. There is a need for well designed studies that need to incorporate sensitive outcome measures such as time to pregnancy, spontaneous abortion rates and breast cancer as well as better defined means of determining body burdens of suspected reproductive toxins."¹⁷

(CDFA why claim no harm, when the evidence indicates that you haven't studied the risks?)

ACTIONS BY PHYSICIANS

- * Be aware of the possibility of acute or chronic toxicity secondary to both local lawn spraying, home application and food intake.
- * Educate patients regarding the known health concerns associated with pesticides.
- * Encourage alternatives to pesticides including
 - * buying organic products
 - * using alternatives to pesticides for lawn and garden care as well as indoor pest management. The Toronto Environmental Alliance (TEA) has a Green

Thumb Project where volunteer homeowners trained in chemical-free lawn maintenance will educate any interested homeowner....

CDFA Did the chemical industry write this EIR? Why don't we spend the millions teaching alternatives to the growers and the homeowners that won't kill some of us and be stewards of the environment and public health?

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Am J Vet Res 1998 Feb;59(2):168-75

Influence of inert ingredients in pesticide formulations on dermal absorption of carbaryl.

Baynes RE, Riviere JE,

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Cutaneous Pharmacology and Toxicology Center, College of Veterinary Medicine, North Carolina State University, Raleigh 27606, USA.

B14-59 (cont.)

OBJECTIVES: To assess the influence of solvent plus various mixtures on percutaneous absorption and disposition of the carbamate insecticide, carbaryl.....CONCLUSIONS: Inert ingredients can modulate percutaneous absorption of toxicologically important pesticides and their effect or activity on CA disposition is dependent on solvent specificity and solvent concentration....

PMID: 9492931 [PubMed - indexed for MEDLINE]

(CDFA if they can test absorption of insects in Carbaryl, and solvents are essential to make the pesticide work, why not test to insure health safety prior to using on the sick and dying disabled people of this state, if it is not safe for them, then don't use on anyone).

B14-58 (cont.)

EXTOXNET

Extension Toxicology Network

A Pesticide Information Project of Cooperative Extension Offices of Cornell University, Michigan State University, Oregon State University, and University of California at Davis. Major support and funding was provided by the USDA/Entomological Society/National Agricultural Pesticide Impact Assessment Program.

Pesticide Information Profile	Publication Date: 9/93
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TRADE OR OTHER NAMES

Product names include Carbamine, Demapon, Dicarbarn, Hexavin, Karbaspray, Nac, Rayon, Septone, Sevin, Tercyl, Tricamann, and Union Carbide 7744.

INTRODUCTION

Carbaryl is formulated as a solid which varies from colorless to white to gray, depending on the purity of the compound. The crystals are odorless. This chemical is stable to heat, light and acids under storage conditions. It is non-corrosive to metals, packaging materials, or application equipment. It is found in

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all types of formulations including baits, dusts, wettable powder, granules, oil, molasses, aqueous dispersions and suspensions ().
Carbaryl is a general use pesticide.

TOXICOLOGICAL EFFECTS

ACUTE TOXICITY

Carbaryl is moderately to very toxic, and is labeled with a WARNING signal word. It can produce adverse effects in humans by skin contact, inhalation or ingestion. The symptoms of acute toxicity are typical of the other carbamates. Direct contact of the skin or eyes with moderate levels of this pesticide can cause burns. Inhalation or ingestion of very large amounts can be toxic to the nervous and respiratory systems resulting in nausea, stomach cramps, diarrhea and excessive salivation. (CDFA) amazing, after decades of use all of the science is junk because we still don't know what Carbaryl or Sevin will do to a sick person with respiratory disorders, or nervous system disorders. Prove it's safe before you dare use it on we the people. Don't try to tell me that the government is protecting anyone who is not in perfect health. Your intentional neglect is obvious.) Other symptoms at high doses include sweating, blurring of vision, incoordination, and convulsions. About fifty cases of occupational or accidental illnesses due to exposure to carbaryl have been reported, but no fatalities have been documented. The only documented fatality from carbaryl was through intentional ingestion. (CDFA, I am requesting that you tell the people that live in at and near the properties that you will spray what the symptoms of pesticide poisoning are, and that if they have symptoms following the application that they should file a a pesticide poisoning complaint with your department, that will have to be investigated by DPR, that you will have a rash of complaints. The average American doesn't make the connection between chemicals and health. Perhaps if enough people complain from your spray, the EPA will actually investigate. Maybe I should get volunteers to develop packets and inform the public of the symptoms and what to do in the event of illness.

I have talked to some members of my coalition, that have informed me they called the AG dept. for years with complaints of pesticide

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Carbaryl is a general use pesticide.

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poisoning and the AG Commissioner asked if they could see drift, when they said no, that they could smell it, it never told them to file a complaint anyway. What a racket, you control the reporting and if it's not visual drift, illnesses can go unreported. The Dept. of AG should never be responsible for documenting pesticide poisoning complaints, there's a conflict of interest.)

The oral LD₅₀ of carbaryl ranges from 250 mg/kg to 850 mg/kg for rats, and from 100 mg/kg to 650 mg/kg for mice (). The inhalation LC₅₀ for rats is 0.005 to 0.023 mg/kg (). Low doses can cause minor skin and eye irritation in rabbits, whose dermal LD₅₀ has been measured at greater than 2,000 mg/kg (). Technical carbaryl has little potential for skin or eye irritation.

(CDFA obviously the inert has not been considered. Stop the Junk Science you're not going to put just Carbaryl on our properties. That's only about ½ the product!)

CHRONIC TOXICITY

Although it may cause minor skin and eye irritation, carbaryl does not appear to be a significant chronic health risk at or below occupational levels. Male volunteers who consumed low doses of carbaryl for six weeks did not show symptoms, but tests indicated slight changes in their body chemistry (). (CDFA let's see what these slight changes in their body chemistry are? Would they lead to cancer?) What would changes do to the sick people of this state? What would it do to pregnant women, what about fetuses and babies? So many questions, no adequate science to answer them!)

Reproductive and Teratogenic Effects

No reproductive or fetal effects were observed during a long-term study of rats which were fed high doses of carbaryl (). The evidence for teratogenic effects due to chronic exposure are minimal in test animals. Birth defects in rabbit and guinea pig offspring occurred only at dosage levels which were highly toxic to the mother. A 1980 New Jersey epidemiological study found no evidence of excess birth defects in a town sprayed with carbaryl for Gypsy moth control. There is only limited evidence that carbaryl causes birth defects in humans. The EPA has concluded that carbaryl does not pose a teratogenic risk to humans if used properly (). (CDFA again testing just half the product, you don't really know what the full product will do?)

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(cont.)

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Mutagenic Effects

Numerous studies indicate that carbaryl poses only a slight mutagenic risk (). However, carbaryl can react with nitrite under certain conditions to give rise to N-nitroso carbaryl. Nitroso carbaryl has been shown to be highly mutagenic at low levels in laboratory test systems. This may be a concern to humans because there is a possibility that carbaryl, a pesticide, and nitrite, a substance found in food additives and in human saliva, may react in the human stomach to form nitroso carbaryl (). Carbaryl has been shown to affect cell mitosis (cell division) and chromosomes in rats () (Holy cow!!!). CDFA, what are you thinking? Are you going to warn pregnant mothers not to eat bacon and then go gardening and eat their produce that you just sprayed? Or will this also affect the sperm of men who may wish to reproduce? Perhaps they won't wash their hands that have residues of Carbaryl and then eat nitrates.)

Carcinogenic Effects

Carbaryl has not caused tumors in ten long-term and lifetime studies of mice and rats. Rats were administered high daily doses of the pesticide for two years, and mice for eighteen months, with no signs of carcinogenicity (). However, N-nitroso carbaryl, formed by the reaction of carbaryl and nitrite, has been shown to be carcinogenic in rats at high doses (). Also, mice exposed to carbaryl in the product, triadimenol, for four weeks each, developed lung tumors (). (Oh my God, CDFA, you had to know this, this website is very popular. I can't believe you would choose this chemical for your pesticide of community forced spray program. I wish the people that got the cancer first, were the ones who decided to force the risk on the public. Maybe if they were guaranteed to get cancer first, they would be more protective.

Eating nitrates and Carbaryl is carcinogenic, why didn't you mention this? Why isn't there a warning on the label? You don't factor in the amount of nitrates and Carbaryl a person consumes and analyze it with total exposure from this program. No wonder one out of two American men and one out of two American women will die of cancer, over 1/2 a million a year - or the equivalent of the deaths from 9/11 every 3 days. If the news media showed their faces as they died, maybe Americans would wake up

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and demand protection. Why didn't you think of the children that would play in the yard and then go eat, as usual without washing their hands, what about the school children who rarely wash before eating. I am horrified at the risks you take with our lives for this stupid tax pay wasteful program.

Go chemical industry! Murder innocent Americans! You are our nationally politically sponsored terrorists.)

Organ Toxicity

Ingestion of carbaryl affects the lungs, kidneys and liver. Inhalation will also affect the lungs (). Nerve damage can occur after administration of high doses for 50 days in rats and pigs (). Several studies indicate that carbaryl can affect the immune system in animals and insects. These effects however have not been documented in humans. (CDFA this last statement is brilliant; if you don't study the effects you won't find any effects. What will be the effect on me a person with liver problems and brain damage? Shall we find out?)

Fate in Humans and Animals

Most animals, including humans, readily break down carbaryl and rapidly excrete it in the urine and feces. Workers occupationally exposed by inhalation to carbaryl dust excreted 74% of the inhaled dose in the urine in the form of a breakdown product (). This is consistent with information on other species which excreted nearly three quarters of a dose in their urine within 24 hours of administration (). The metabolism of up to 85% of carbaryl occurs within 24 hours after administration ().

(CDFA is there any medical condition where a person would not break down the pesticide as expected?)

ECOLOGICAL EFFECTS

Carbaryl is lethal to many nontarget insects. The pesticide is more active in insects than in mammals. The destruction of honeybee populations in sprayed areas is sometimes a problem. Carbaryl is moderately toxic to aquatic organisms, such as rainbow and lake trout, bluegill, and cutthroat. It is also moderately toxic to wild bird species, with low toxicity to Canada geese ().

Accumulation of carbaryl can occur in catfish, crawfish, and snails, as well as in algae and duckweed. Residues levels in fish were 140 fold greater than the

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(cont.)

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concentration of carbaryl in water. In general, due to its rapid metabolism and rapid degradation, carbaryl should not pose a significant bioaccumulation risk in alkaline waters. However, under conditions below neutrality it may be significant (). (CDFA My fish feed on insect that land on the pond, will CDEA reimburse me for my prize sick Koi? I will have them autopsied for pesticide levels if they die. How much of my yard will be tapped if I have fruit trees and other host plants very close to my pond?)

ENVIRONMENTAL FATE

B14-63
(cont.)

Carbaryl has a short residual life on treated crops. The insecticide remains at the application site, where it is slowly taken into the plant and metabolized. Insecticidal properties are retained for 3-10 days. Loss of carbaryl is due to evaporation and uptake into plants. Breakdown by sunlight does not appear to be significant. (CDFA this is scary, Carbaryl evaporates; that puts it back into the air for 3-10 days minimum. No wonder I have had life-threatening reactions to whiffs in the air that you can't smell days after an application. It's those fine particles after the spray that must be the deadliest, the ones that get deep into my lungs, so that must be how lung cancer gets started. I'm at risk for that too. Boy do I need expensive baselines to show change. Also residues from brushing my bushes or plants will be toxic. Why can't you fence off a yard, put kaolin dust everywhere and monitor and apply clay dust until no pests are detected? Then hose off and cover with mulch. I am sensitive to dusts and clay can cause silicosis, my lungs are not in good condition and can't take any more exposures.

Why do residents have to go through all of this, why does our legislature allow the planting of any crops susceptible to Pierce's Disease, in disease prone areas, scientists agree GWSS can't be eradicated? Why doesn't CDFA recommend to growers to not plant wine grapes in infected areas? You justify that organic farmers can plant other crops if you spray, well the same should be true for the wine industry. Why not tell the wine industry to plant another crop that isn't bothered by the current strain of Pierce's

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Disease, we can buy European wine, besides they don't use genetically engineered products and that is more desirable.

I imagine the chemical industry loves this, their product endorsed by CDFA and used everywhere as being safe. All alternatives summarily dismissed and determined to be ineffective, that sounds like a response custom ordered by the chemical industry. Never have I seen an agency so under the thumb of industry. I even heard CDFA employees offering to do whatever the wine growers wanted.

Why is it that kaolin dust in ineffective, is it because you would have to apply it frequently, or is it the monoculture wine grower doesn't want to be bothered applying it? He wants cheap or free statewide pest control. CDFA Why is it that fencing is ineffective, because it won't look good, and be bad for tourism but it's being tested by CDFA for nurseries so they won't have to spray so much?

I am outraged that CDFA expects me to die for this arrogance and overt greed and that you would dare risk the lives of children who are also sick. Shame on you for deciding that people are insignificant for this program.

Emergencies warrant drastic measures. Shall I teach my children to dial 911 whenever a pest wipes out my vegetables or fruit; so the Governor can help all Californian gardeners with state-wide pest control? I am a person using my land for food production, just like my ancestors that have been in this nation for centuries. I grow food in a sustainable way that causes no harm on the environment and provides a safe haven for all types of insects, birds, and an amazing quantity of frogs and lizards. Nearly every time I walk outside a lady bug lands on me.

The only pesticides used on my property are ant traps for indoors and beer in traps in the strawberry garden. I pick pints of

B14-65
(cont.)

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strawberries nearly every day. With good soil, and lots of beneficial insects I just a beginner, but have grown beautiful organic food, that tastes superior, that is doctor prescribed, and the safest food possible for me to eat. I don't have any training as an organic gardener; so I see this aversion to trying to be sustainable as a chemical industry decision. Sick friends come to my home as a safe haven when their home is inaccessible.

This obviously isn't an emergency if the growers aren't doing more to protect their crops. I believe my husband's California based Software company lost 23 billion recently on stock decline. Now there's an emergency don't you think? People have lost jobs. Without as many millionaires people buy less products, property values decline, it effects everyone eventually, etc. Tax revenues will be sharply down because of this drop, why not develop a program to boost stock values at tax-payers expense? (Actually, this has already happened my local paper the Tribune on May 14, 2002 stated that the state coffers are bare and there is talk of raising taxes. It seems as if the national emergency of terrorism is affecting states, so Governor Davis why are we spending money on this program?) If we are going to do so much for wine, what about software it's actually more essential than wine, wine can be bought from a lot of places. I am not actually advocating for a declaration of Software Industry emergency, but this wine emergency is based on \$\$\$ and it looks ridiculous when compared to other industries hard times. How many more government programs could be cut and not have to raise taxes? I pay enough thank you very much.

Stop global warming and insects and diseases will stay in their climate zones. Is this government for the people, or is it for industry? Seems to me it's just for the chemical industry, since it's been widely reported they control the medical and product research and guidelines.

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Degradation of carbaryl in the soil is mostly due to sunlight and bacterial action. It is bound by organic matter and can be transpired in soil runoff. Carbaryl has a half-life of 7 days in aerobic soil and 28 days in anaerobic soil (). Degradation of carbaryl in crops occurs by hydrolysis inside the plants. It has a short residual life of less than two weeks. The metabolites of carbaryl have lower toxicity to humans than carbaryl itself. The breakdown of this substance is strongly dependant on acidity and temperature.

In pond water, carbaryl is broken down by bacteria through chemical processes. Evaporation does not occur. Carbaryl has a half-life of from 1 to 32 days in pond water. In a stream, carbaryl that had washed in from forest spraying, decayed to 50% within a 24 hour period. It has been shown to degrade more slowly in the presence of mud in aquatic habitats. (CDFA did you see this, I have mud on my property and aquatic life in my koi pond, this product seems totally unsuitable for urban organic gardeners and animal lovers, even if my life were not in danger, I would be willing to go to court to protect my fish and bees. Can you guarantee this product won't contaminate my well, the source of water for my property? Will you test the water before and weeks after you spray?) Carbaryl has been detected in groundwater in three separate cases in California.

Carbaryl has a half-life in the air of one to four months. (CDFA did you see this, four months half the product will still be in the air, no wonder I can't tolerate route 5 where all the pesticides are applied.)Crops, shade trees, shrubs and other vegetation in bloom should not be sprayed with carbaryl as bee kills are possible. (CDFA did you see this, how are you going to spray my yard, I've designed my garden to always have something in bloom and my vegetables, grapes, and fruit trees are planted within ornamental gardens where my husband and I garden, and my child and dog play. I have so many varieties of bees and other beneficial insects that would be destroyed or leave my property because of the 4 months of toxicity in the air for just half the product.

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PHYSICAL PROPERTIES AND GUIDELINES

Carbaryl is a solid which varies from colorless to white or gray, depending on the purity of the compound. The crystals are odorless. Carbaryl is stable to heat, light and acids. It is not stable under alkaline conditions. It is non-corrosive to metals, packaging materials or application equipment. (CDFA) Is it wise to use a colorless odorless poison around hypersensitive people than can release and be active in the air for months? CDFA is .06 mg/kg/day safe for me? Can you show me any science that proves it is safe for sick people like me or test to prove it's safety on me prior to spraying my property?

Exposure Guidelines:

NOEL: 0.06 mg/kg/day
ADI: 0.1 mg/kg/day
STEL: 10 mg/m³
TLV: air TWA 5 mg/m³

CL: 625 mg/m³
Drinking Water Drinking Water Equivalent Level: (DWEL): 3.5 mg/L ()
Health Advisory:

...BASIC MANUFACTURER

Rhone-Poulenc Ag. Co.
 P.O. Box 12014
 TW Alexander Dr.
 Research Triangle Park, NC 27709
 Telephone: 919-549-2000
 Emergency: 800-334-7377

Review by Basic Manufacturer:

- Comments solicited: October, 1992
 Comments received: •••

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 (cont.)

All pesticides must be toxic, or poisonous, to be effective against the pests they are intended to control. Because pesticides are toxic, they are also potentially hazardous to humans and animals. It is important for those who use pesticides or regularly come in contact with them to know the relative toxicity and the potential health effects of the products they use.

Toxicity is a measure of the capacity of a pesticide to cause injury; it is a property of the chemical itself. The toxicity of a particular pesticide is determined by subjecting test animals (usually rats, mice, rabbits, and dogs) to different dosages of the active ingredient and to each of its formulated products. (CDFA) see there is not any essential testing on the synergistic effects of the inert, and the active and other commonly used products. Hazard, or risk, on the other hand, is the potential for injury, or the degree of danger involved in using a pesticide under a given set of conditions.(CDFA) see, there are many conditions that are not studied that may be more hazardous)

Any chemical can be poisonous or toxic if absorbed in excessive amounts. Pesticide injuries involving humans and animals occur when the chemical is absorbed by the body at this level. Pesticides can also cause skin or eye damage (topical effects) and can induce allergic responses. (CDFA) see, allergic reactions can occur why don't you study and warn about this? Allergic reactions are not based on dose/response toxicology.

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ACUTE TOXICITY AND ACUTE EFFECTS

The acute toxicity of a pesticide refers to the ability of the chemical to cause injury to a person or animal from a single exposure, generally of short duration. Acute toxicity is determined by at least three methods: (1) dermal toxicity is determined by exposing the skin to the chemical; (2) inhalation toxicity is determined by permitting test animals to breathe vapors of the chemical; and (3) oral toxicity is determined by feeding the chemical to test animals. The harmful effects that occur from a single exposure by any route of entry (dermal, inhalation, oral) are termed acute effects. In addition, the effect of the chemical as an irritant to the eyes and skin is examined under laboratory conditions.

...Pesticides with high LD₅₀ values are considered the least acutely toxic to humans when used according to the directions on the product label (CDFA). What about the synergistic effects of the inert, which are secret and can be more toxic than the active ingredients?

Acute toxicities are the basis for selecting the appropriate signal words (toxicity categories) to be used on a product label. These are DANGER-POISON (in red letters) and a skull and crossbones on the package label of pesticides classified as highly toxic, WARNING for those that are classified as moderately toxic, and CAUTION for those that are slightly toxic or "relatively nontoxic." The signal word DANGER without a skull and crossbones symbol implies that the pesticide is a potent skin or eye irritant. (CDFA, for the record, Atrazine/fertilizer compound applied four days earlier, and well watered in nearly killed me from an air borne exposure, Durban also has done the same from obvious levels in the air, why don't you test me and prove safety to slightly less than the 2000 mg/kg with the full product since you will use Sevin on my property to test the belief of safety utilizing this junk science that leaves out the inert?).

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Acute LD₅₀ Values (mg/kg, active ingredients only)

Pesticide	Oral	Dermal
	(rat)	(rabbit)
atrazine (Atrrex)	1,369	>3,100
benomyl (Benlate)	>10,000	10,000
carbaryl (Sevin)	500-850	>2,000
carbofuran (Furadan)	8	10,200
chlorpyrifos (Dursban)	96-270	2,000
glyphosate (Roundup)	4,300	>5,000

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(cont.)

CHRONIC TOXICITY AND CHRONIC EFFECTS

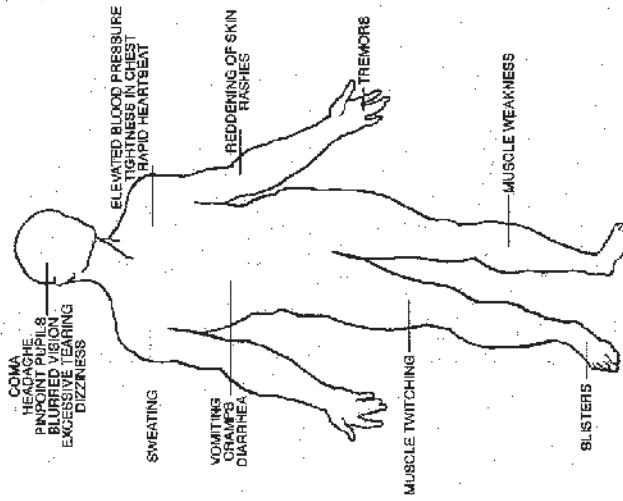
Chronic toxicity is determined by subjecting test animals to long term exposure to a pesticide. The harmful effects that occur from small doses repeated over a period of time, usually years, are termed chronic effects. Some of the chronic effects found in test animals exposed to certain pesticides include birth defects (teratogenesis); toxicity to a fetus (fetotoxic effects); production of tumors (oncogenesis), either benign (noncancerous) or malignant (cancerous/carcinogenesis); genetic changes (mutationesis); blood disorders (hemotoxic effects); nerve disorders (neurotoxic effects); endocrine disruption; and reproductive effects. Some pesticides are required to include chronic toxicity warning statements on the label. The chronic toxicity of a pesticide is more difficult to determine through laboratory analysis than the acute toxicity (CDFA). It is also impossible to determine when you leave out the inert and other common chemical exposures like nitrates! No wonder our junk scientists never find any evidence of harm.

PESTICIDE POISONING

The most serious pesticide poisonings usually result from acute exposure to organophosphate and carbamate insecticides. The signs and symptoms of a systemic or general internal poisoning from these chemicals begin as fatigue, headache, dizziness, sweating, dizziness or blurred vision, cramps, nausea, vomiting, and diarrhea. Moderate signs and symptoms that may develop include numbness, changes in heart rate, general muscle weakness, difficulty in breathing and walking, pinpoint pupils, excessive salivation, and an increase in the severity of the earlier symptoms. In advanced poisoning cases, there may be convulsions and coma, which could ultimately lead to death. (CDFA here's the evidence that you need to further study sensitive populations and require new research on the full product for people "allergic to pesticides which is estimated about 1 million Californians")

never officially reported their illness. If you are so sure no health effects will occur, why don't you tell people the known symptoms of pesticide poisoning for the product you will use, and how to report illness to a doctor that can properly monitor and document their symptoms and poisoning? I wish you would study the effect of these full product pesticides on humans as much as you do your GWSS.

Symptoms of Pesticide Poisoning:



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Topical effects from pesticide poisoning are a result of either the irritant properties of a pesticide or an allergic response by the victim. Dermatitis, or inflammation of the skin, generally is accepted as the most commonly reported topical effect associated with pesticide exposure. Symptoms of dermatitis range from reddening of the skin to blisters or rashes.

Some people tend to cough, wheeze, or sneeze when exposed to pesticide sprays. Both the active and inert ingredients in a pesticide may cause this reaction. (CDFA see, there are reputable Universities that try to disclose the facts. As an alumni of Penn State, I am proud more than ever of their excellence in every corner.) Although the active ingredient is usually a single, highly purified component of the formulated product, some products contain two or more active ingredients. The inert ingredients in liquid formulations are mostly petroleum distillates, emulsifiers, wetting agents, stickers, and stabilizers. Inert ingredients in dry formulations often include talc, clay, or some plant product such as ground corn cobs. (CDFA I remember that people mentioned that they got flu like symptoms, headaches, from GWSS spraying in Brentwood, though due to a lack of understanding about pesticide poisoning probably

(CDFA please note that some people may die from your legal exposure and the existence recognized in the literature of true hypersensitivity or allergic reaction.)

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Some individuals react to the strong odor and irritating effects of petroleum distillates. One symptom is that the eyes, mucous membranes of the nose, and even the sensitive linings of the mouth and back of the throat feel raw and scratchy. This symptom usually subsides within a few minutes after a person is removed from exposure to the irritant. However, a reaction to a pesticide product that causes someone not only to sneeze and cough but also to develop severe, acute, respiratory symptoms is more likely to be a true hypersensitivity or allergic reaction. Symptoms of a true allergic reaction range from reddening and itching of the eyes and skin to respiratory discomfort often resembling an asthmatic condition. (CDFA here it is, my medical condition that you say is not real and insignificant. Potentially 1 million Californians are allergic to pesticides (those diagnosed with MCS) and of course there are many other diseases affected like hyper-responsive airways disease which may also be an allergic response. How dare you belittle the true life-threatening effects of everyday pesticides on some people. How dare you expose the public to these poisons. You can never know who will be the next hypersensitive person that dies or almost dies from your exposure unless an exposure test is developed and administered. I certainly didn't know I was hyper-sensitive until Florida DPR told me. My neighbors almost killed me. Why does the Governor and this department continue to threaten my life with non-agricultural pesticide programs? Why do you hate people who are disabled and suffering? I feel like a Jew in the holocaust. disposable for the betterment of society. Sick. Sick. Sick.

Be alert for the early signs and symptoms of pesticide poisoning in yourself and others. These often occur immediately after exposure, but

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may be delayed for up to 24 hours. (CDFA why not test and record human symptoms up to 24 hours after you spray to see how many symptoms are increased when your pesticide is used. Compare symptoms with a day at the beach, where no pesticides should be in the air, compare symptoms with a day at home when no level of pesticides in the parts per trillion range is detected) Early recognition of symptoms and an immediate appropriate response are essential. Remember that the development of certain symptoms is not always the result of pesticide exposure. Common illnesses such as the flu, heat exhaustion or heat stroke, pneumonia, asthma, respiratory and intestinal infections, and even a hangover from overindulgence can cause similar symptoms. But when symptoms appear after contact with pesticides, you should seek medical attention immediately. Take the label with you (or the container, but not in the passenger section of the vehicle). The doctor needs to know the pesticide ingredients, and an antidote often is listed on the label. (CDFA please obtain a list of all the ingredients including the inert so I can consult with my doctor)

If you use pesticides or reside near areas where pesticides are used, have the name and number of the nearest poison control center readily available. These centers are staffed on a 24-hour basis. Their numbers are listed at the end of this fact sheet or are available from a telephone directory, hospital, physician, or cooperative extension office. Do not wait until an emergency arises to obtain the number for the poison control center nearest you. (CDFA nowhere in your program is there notification of poison centers, and notification of pesticide poisoning symptoms. No wonder no illness is never reported. If people report illness to their Ag Commissioner, how can he be objective if he is responsible for spraying the pesticides? Who can we trust with our health, an agency designed to protect agriculture? Why isn't it mandated that the Dept. of Public Health approve all exposures especially for sick people. Let's have real medical treating doctors that can

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be truly responsible for our health, conduct exposure studies with monitoring, and record symptoms, rather than an AG agency that could care less.

We all know from top EPA officials who have resigned that the EPA is run now by the chemical industry and President Bush will murder more innocent Americans than Osama Bin Laden by weakening the cleaner air regulations. California needs to stand strong in the wake of a president that could care less about the vulnerable sick people. I hope our Governor will not continue this Emergency that also has the potential for murder. For pesticide emergencies, the National Pesticide Telecommunications Network (NPTN) located at Oregon State University, is also available. The NPTN (telephone number 1-800-858-7378 for the general public (CDFA) I called this number and they don't have any information on who in the population is the acceptable risk. They only mention that the risk is only for a very few. They known nothing about hyper-sensitivity/ allergic reactions described by Penn State University. By the way they are also described by the EPA. What agency can address the acceptable risk populations needs and concerns and give guidance to medical professionals and to the public on the specific risk to their health with their medical conditions?) and 1-800-858-7377 for medical profession/government agencies) provides information about pesticides to anyone in the United States. All emergency numbers should be posted, or readily available by the telephone, as well as in service vehicles involved in handling pesticides.

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The organophosphate and carbamate classes of insecticides cause by far the greatest number of pesticide poisonings in the United States. Organophosphate insecticides include such chemicals as methyl and ethyl parathion, chlorpyrifos, Cygon, Diazinon, Di-Syston, Guthion, malathion, Metasystox-R, and Thimet. The carbamate compounds include Sevin, Furadan, Lannate, and Temik.

Organophosphates and carbamates inhibit the enzyme cholinesterase, causing a disruption of the nervous system. All living animals with cholinesterase in their nervous system, such as insects, fish, birds, humans, and other mammals, can be poisoned by these chemicals.

To understand how the organophosphates and carbamates insecticides affect the nervous system, one needs to understand how the nervous system actually works. The nervous system, which includes the brain, is the most complex system in the body. It consists of millions of cells which make up a communications system within the organism.

Messages or electrical impulses (stimuli) travel along this complex network of cells. Nerve cells or neurons do not physically touch each other; rather there is a gap or synapse between cells. The impulses must cross or "bridge" the synapse between nerve cells in order to keep the message moving along the entire network.

When an impulse reaches the synapse, a chemical, acetylcholine, is released to carry the message on to the next cell. Acetylcholine is the primary chemical responsible for the transmission of nerve impulses across the synapse of two neurons. After the impulse is transmitted across the synapse, the acetylcholine is broken down by cholinesterase. Once this occurs the synapse is "cleared" and ready to receive a new transmission.

Organophosphate and carbamate insecticides inhibit the activity of cholinesterase (hence the name cholinesterase inhibitors), resulting in a buildup of acetylcholine in the body. An increase in acetylcholine for whatever reason results in the uncontrolled flow of nerve transmissions between nerve cells. The nervous system becomes "poisoned"; the accumulation of acetylcholine causes the continual transmission of impulses across the synapses.

The effects of organophosphate or carbamate poisoning can result in both systemic and topical symptoms. Direct exposure of the eye, for example, can cause topical symptoms such as constriction of the pupils,

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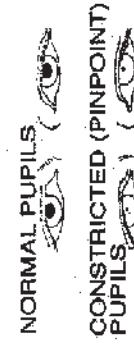
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(cont.)

B14-76

blurring of vision, an eyebrow headache, and severe irritation and reddening of the eyes. Symptoms and signs of systemic poisonings are almost entirely due to the accumulation of acetylcholine at the nerve endings. The onset of symptoms depends on the route of entry and the severity of the poisoning. Gastric symptoms such as stomach cramps, nausea, vomiting, and diarrhea appear early if the material has been ingested. Similarly, salivation, headache, dizziness, and excessive secretions that cause breathing difficulties are initial symptoms if the material has been inhaled. Involvement of the respiratory muscles can result in respiratory failure. Stomach/intestinal and respiratory symptoms usually appear at the same time if the pesticide is absorbed through the skin. In children, the first symptom of poisoning may be a convulsion.

(CDFA how can you claim no reasonable harm with this evidence of respiratory failure with the full product active and inactive ingredients, when no study has been done on the full product. Are you ready to test me, a hyper-sensitive person documented to be poisoned by pesticides with your safe level of this product? Or will you conspire to murder me if GWSS is found on my urban garden?)



In advanced poisonings, the victim is pale, sweating, and frothing at the mouth. The pupils are constricted and nonresponsive to light. Other symptoms include changes in heart rate, muscle weakness, mental confusion, convulsions and/or coma. The victim may die if not treated. (CDFA with these type of effects why don't you demand that the inert and the full product be proven to be safe before spraying the property of sick and dying people? When very ill, I for one have

had these type of life-threatening symptoms to a whiff in the air, care to test me?)

(CDFA see below: Why not order Cholinesterase testing for anyone who wishes to have cholinesterase levels monitored to see if documented harm can be observed? You test the effects on insect control, do you have courage to test the effects of your program on frail humans? Shouldn't you test the entire population to determine if they have a low cholinesterase and therefore at substantial risk for injury when exposed? Don't you think people need to be warned about the real risks of these products rather than expect vulnerable disabled populations to risk their lives for alcohol farming? Why doesn't the Governor care about the sick and frail people of this state and protect us? Is cheap wine so important?)

B14-76 (cont.)

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Cholinesterase testing. Persons who regularly work with organophosphates and carbamates should consider having periodic cholinesterase tests. The blood cholinesterase test measures the effect of exposure to organophosphate and carbamate insecticides. Since cholinesterase levels can vary considerably between individuals, a "baseline" must be established for each person. In fact, a small percentage of the population has a genetically-determined low level of cholinesterase. Even minimal exposure to cholinesterase inhibitors can present a substantial risk to these people. Baseline testing should always be done during the time of year when pesticides are not being used or at least 30 days from the most recent exposure. Establishing a baseline value often requires two tests performed at least 72 hours apart, but within 14 days of each other. If the test results differ by as much as 20 percent, a third test is often recommended.

Cholinesterase tests can be repeated during times when organophosphates and carbamate insecticides are being used and then compared with the baseline level. The purpose of routine cholinesterase monitoring is to enable a physician to recognize the occurrence of excessive exposure to organophosphates and carbamates. The physician can then remove the pesticide handler from further exposure before the person exhibits symptoms of pesticide poisoning. Your physician can help to establish the frequency of this testing program.

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(CDFA) Here doctor's can protect workers from exposure, who will protect the people?)

If a laboratory test shows a cholinesterase drop of 30 percent below the established baseline, the worker should be retested immediately. If a second test confirms the drop in cholinesterase, the pesticide handler or agricultural worker should be removed from further contact with organophosphate and carbamate insecticides until cholinesterase levels return to the pre-exposure baseline range.

Antidotes. Antidotes for organophosphate or carbamate insecticide poisoning should be prescribed and administered only by a qualified physician. They can be extremely dangerous if misused or if used by inadequately trained person.

Atropine sulfate is given intravenously to counteract the effects of excessive acetylcholine. It can be given repeatedly as symptoms occur, the dosage being based on the body weight of the victim. Atropine can be used for both organophosphate and carbamate poisoning. Atropine should never be used to prevent poisoning. (CDFA, I carry doctor prescribed Atropine with me at all times for emergencies.)

Protopam chloride (2-PAM) is used in conjunction with atropine to help reactivate cholinesterase in an organophosphate poisoning. It is not used in cases where carbamates are involved in the poisoning.

Pennsylvania State University, 201 Willard Building, University Park, PA 16802-2801; tel. (814) 865-4700/N; TDD (814) 863-1150/TTY.

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To Top



For more information relative to pesticides and
their use, please contact the PMEP staff at:
6123 Comstock Hall
Cornell University
Ithaca, New York 14853-4801
(607) 255-1888

Last Modified: 12/18/2001

Questions regarding the development of this web site should be directed to the

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Disclaimer: Please read the pesticide label prior to use. The information contained at this web site is not a substitute for a pesticide label. Trade names used herein are for convenience only. No endorsement of products is intended, nor is criticism of unnamed products implied.

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EXTOXNET

Extension Toxicology Network

Prepared by Winand K. Hock, professor of plant pathology, and Cynthia L. Brown, former project associate, Pesticide Education Program.

This publication is available in alternative media on request.

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A Pesticide Information Project of Cooperative Extension Offices of Cornell University, Oregon State University, the University of Idaho, and the University of California at Davis, and the Institute for Environmental Toxicology, Michigan State University. Major support and funding was provided by the USDA/Extension Service/National Agricultural Pesticide Impact Assessment Program.

EXTOXNET primary files maintained and archived at Oregon State University

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IMIDACLOPRID

TRADE OR OTHER NAMES: Imidacloprid is found in a variety of commercial insecticides. The products Aditure, Condilator, Gaucho, Premier, Premise, Provado, and Marathon all contain imidacloprid as the active ingredient (223).

REGULATORY STATUS: Imidacloprid is a General Use Pesticide, and is classified by EPA as both a toxicity class II and class III agent, and must be labeled with the signal word "Warning" or "Caution" (223). There are tolerances for residues of imidacloprid and its metabolites on food/feed additives ranging from 0.02 ppm in eggs, to 3.0 ppm in hops (328).

INTRODUCTION: Imidacloprid is a systemic, chloro-nicotinyl insecticide with soil, seed and foliar uses for the control of sucking insects including rice hoppers, aphids, thrips, whiteflies, termites, turf insects, soil insects and some beetles. It is most commonly used on rice, cereal, maize, potatoes, vegetables, sugar beets, fruit, cotton, hops and turf, and is especially systemic when used as a seed or soil treatment. The chemical works by interfering with the transmission of stimuli in the insect nervous system. Specifically, it causes a blockage in a type of neuronal pathway (nicotinicergic) that is more abundant in insects than in warm-blooded animals (making the chemical selectively more toxic to insects than warm-blooded animals). This blockage leads to the accumulation of acetylcholine, an important neurotransmitter, resulting in the insect's paralysis, and eventually death. It is effective on contact and via stomach action (1).

(CDFA now I am curious, before I moved into my safe house, I used to have incidents of paralysis that appeared to be after pesticide exposure, I would wake the next morning paralyzed and spend maybe 1.5 minutes telling my brain to move my toes, and slowly I would come back. It will be interesting to see if it happens again>

TOXICOLOGICAL EFFECTS

- **Acute Toxicity:** Imidacloprid is moderately toxic. The oral dose of technical grade imidacloprid that resulted in mortality to half of the test animals (LD50) is 450 mg/kg body weight in rats (223), and 131 mg/kg in mice (1). The 24-hour dermal LD50 in rats is >5,000 mg/kg. It is considered non-irritating to eyes and skin (rabbits), and non-sensitizing to skin (guinea pigs) (1). Some granular formulations may contain clays as inert ingredients that may act as eye irritants. In acute inhalation toxicity tests with rats, the airborne concentration of imidacloprid that resulted in mortality to half of the test organisms (LC50) is >69 mg/meters cubed air in the form of an aerosol, and >5123 mg/meters cubed air in the form of dust. These values represent the maximum attainable airborne concentrations (1).

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• (CDFA, let's test to see if my muscles for breathing are effected at your safe level of exposure before you spray my yard.) **Sights and Symptoms of Poisoning:** Although no account of human poisoning was found in the literature, signs and symptoms of poisoning would be expected to be similar to nicotine signs and symptoms, including fatigue, twitching, cramps, and muscle weakness, including the muscles necessary for breathing (130).

- **Chronic Toxicity:** A 2-year feeding study in rats fed up to 1,800 ppm resulted in a No Observable Effect Level (NOEL) of 100 ppm (5.7 mg/kg body weight in males and 7.6 mg/kg in females). Adverse effects included decreased body weight gain in females at 300 ppm, and increased thyroid lesions in males at 300 ppm and females at 900 ppm. A 1-year feeding study in dogs fed up to 2,500 ppm resulted in a NOEL of 1,250 ppm (41 mg/kg). Adverse effects included increased cholesterol levels in the blood, and some stress to the liver (measured by elevated liver cytochrome p-450 levels) (331). (CDFA, we also need to monitor my cholesterol levels and liver before and after you spray, both are problems for me. Please respond I wish to prove my hypersensitivity and hope to protect the other 1 million sensitive Californians.)

• **Reproductive Effects:** A three generation reproduction study in rats fed up to 700 ppm imidacloprid resulted in a NOEL of 100 ppm (equivalent to 8 mg/kg/day) based on decreased pup body weight observed at the 250 ppm dose level (331).

- **Teratogenic Effects:** A developmental toxicity study in rats given doses up to 100 ppm by gavage on days 6 to 16 of gestation resulted in a NOEL of 30 mg/kg/day (based on skeletal abnormalities observed at the next highest dose tested of 100 ppm) (329). In a developmental toxicity study with rabbits given doses of imidacloprid by gavage during days 6 through 19 of gestation, resulted in a NOEL of 24 mg/kg/day based on decreased body weight and skeletal abnormalities observed at 72 mg/kg/day (highest dose tested) (331).

- **Mutagenic Effects:** Imidacloprid may be weakly mutagenic. In a battery of 23 laboratory mutagenicity assays, imidacloprid tested negative for mutagenic effects in all but two of the assays. It did test positive for causing changes in chromosomes in human lymphocytes, as well as testing positive for genotoxicity in Chinese hamster ovary cells (331). CDFA what does this mean, exposure can change my lymphocytes? I would like to know all the risks associated with this product)

- **Carcinogenic Effects:** Imidacloprid is considered to be of minimal carcinogenic risk, and is thus categorized by EPA as a "Group II" carcinogen (evidence of

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(cont.)

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- noncarcinogenicity for humans). There were no carcinogenic effects in a 2-year carcinogenicity study in rats fed up to 1,800 ppm imidacloprid (328).
- Organ Toxicity:** In short-term feeding studies in rats, there were thyroid lesions associated with very high doses of imidacloprid (331). (CDFA, what will this product do to people with thyroid lesions or other thyroid problems. Don't you have a study on sick animals to protect sick people?)

Fate in Humans and Animals: Imidacloprid is quickly and almost completely absorbed from the gastrointestinal tract, and eliminated via urine and feces (70-80% and 20-30%, respectively, of the 96% of the parent compound administered within 48 hours). The most important metabolic steps include the degradation to 6-chloronicotinic acid, a compound that acts on the nervous system as described above. This compound may be conjugated with glycine and eliminated, or reduced to guanidine (1). (CDFA, what if people are deficient in the necessary metabolites to rid their bodies of this product? What is in the inert, what effect will the combined product have?)

ECOLOGICAL EFFECTS

- Effects on Birds:** Imidacloprid is toxic to upland game birds. The LD₅₀ is 1.52 mg/kg for bobwhite quail, and 31 mg/kg in Japanese quail (223, 1). In studies with red-winged blackbirds and brown-headed cowbirds, it was observed that birds learned to avoid imidacloprid treated seeds after experiencing transitory gastrointestinal distress (retching) and atoxin (loss of coordination). It was concluded that the risk of dietary exposure to birds via treated seeds was minimal. Based on these studies imidacloprid appears to have potential as a bird repellent seed treatment (332, 333). (CDFA, many birds live in my organic yard, will they learn to avoid my yard and deprive me of the joy of watching them?)

- Effects on Aquatic Organisms:** The toxicity of imidacloprid to fish is moderately low. The 96-hour LC₅₀ of imidacloprid is 21.1 mg/l for rainbow trout, 280 mg/l for carp, and 237.1 mg/l for golden ore. In tests with the aquatic invertebrate Daphnia, the 48-hour EC₅₀ (effective concentration to cause toxicity in 50% of the test organisms) was 85 mg/l (1). Products containing imidacloprid may be very toxic to aquatic invertebrates.
- Effects on Other Animals (Nontarget species):** Imidacloprid is highly toxic to bees if used as a foliar application, especially during flowering, but is not considered a hazard to bees when used as a seed treatment (1).

ENVIRONMENTAL FATE

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- Breakdown of Chemical in Soil and Groundwater:** The half-life of imidacloprid in soil is 48-190 days, depending on the amount of ground cover (it breaks down faster in soils with plant ground cover than in fallow soils) (334). Organic material aging may also affect the breakdown rate of imidacloprid. Plots treated with cow manure and allowed to age before sowing showed longer persistence of imidacloprid in soils than in plots where the manure was more recently applied, and not allowed to age (335). Imidacloprid is degraded stepwise to the primary metabolite 6-chloronicotinic acid, which eventually breaks down into carbon dioxide (336). There is generally not a high risk of groundwater contamination with imidacloprid if used as directed. The chemical is moderately soluble, and has moderate binding affinity to organic materials in soils. However, there is a potential for the compound to move through sensitive soil types including porous, gravelly, or cobby soils, depending on irrigation practices (337).
- Breakdown of Chemical in Surface Water:** The half-life in water is much greater than 31 days at pH 5, 7 and 9. No other information was found.
- Breakdown of Chemical in Vegetation:** Imidacloprid penetrates the plant, and travels from the stem to the tips of the plant. It has been tested in a variety of application and crop types, and is metabolized following the same pathways. The most important steps were loss of the nitro group, hydroxylation at the imidazolidine ring, hydrolysis to 6-chloronicotinic acid and formation of conjugates (1).
- Analytical Methods:** Methods are available for determining imidacloprid residues (the 6-chloropicolinyl moiety) in plant materials using HPLC with u.v. detection (338).

PHYSICAL PROPERTIES AND GUIDELINES

Physical Properties:

- Appearance:** Colorless crystals with a weak characteristic odor.
- Chemical Name:** 1-[6-chloro-3-(pyridinyl)methyl]-N-nitroimidazolidin-2-ylideneamine, 1-[6-chloro-3-(pyridinyl)methyl]-N-nitro-2-imidazolidinimine.
- CAS Number:** 13826-41-3
- Molecular Weight:** 255.7
- Water Solubility:** 0.51 g/l (200 degrees C)
- Solubility in Other Solvents:** @ 20 degrees C: dichloromethane - 50.0 - 100.0 g/l; isopropanol - 1.0-2.0 g/l; toluene - 0.5-1.0 g/l; n-hexane - <0.1 g/l; fat - 0.061 g/100g
- Melting Point:** 136.4-143.8 degrees C., 143.8 degrees C (crystal form 1) 136.4 degrees C (crystal form 2)
- Vapor Pressure:** 0.2 uPa (20 degrees C) (1.5 X 10 to the minus 9 mmHg)
- Partition Coefficient:** 0.57 (22 degrees C), (1)
- Adsorption Coefficient:** Not Available

Exposure Guidelines:

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- ABI: Not Available
- MCL: Not Available
- RID: 0.057 mg/kg/day (328)
- PEL: Not Available
- HA: Not Available
- TLV: Not Available

(CDFA if you don't have exposure levels determined, then how do you know what is safe?)

BASIC MANUFACTURER

Bayer Agricultural Products
P. O. Box 4913
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REFERENCES

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EXTOXNET

Extension Toxicology Network

Pesticide Information Profiles

A Pesticide Information Project of Cooperative Extension Offices of Cornell University, Oregon State University, the University of Idaho, and the University of California at Davis and the Institute for Environmental Toxicology, Michigan State University. Major support and funding was provided by the USDA/Extension Services/National Agricultural Pesticide Impact Assessment Program.

EXTOXNET primary files maintained and archived at Oregon State University

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Cyfluthrin

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(cont.)

TRADE OR OTHER NAMES: Cyfluthrin is the active ingredient in many insecticide products including Baythroid, Baythroid H, Attatox, Contur, Lasec, Response, Solfac, Tempo and Tempo II. Combination products include Baythroid TM (+ methamidophos) and Aztec (+ tebufluthrin) (69).

REGULATORY STATUS: First registered by EPA in 1987, cyfluthrin is found in both restricted use (RUP) and general use insecticides (70). Cyfluthrin containing products may be classified by EPA as acute Toxicity Category II (bearing the signal word "Warning") or Toxicity Category I (bearing the signal word "Danger") based on its potential to cause eye damage (69). Currently, there are tolerances for residues of cyfluthrin in or on raw agricultural products ranging from 0.05 (hog meat) to 4.0 ppm (hops) (71). Note: These are subject to change. Check with specific state regulations for local restrictions which may apply.

INTRODUCTION: Cyfluthrin is a synthetic pyrethroid insecticide that has both contact and stomach poison action. It is a non-systemic chemical used to control cutworms, ants, silverfish, cockroaches, termites, grain beetles, weevils, mosquitoes, fleas, flies, corn earworms, tobacco budworm, codling moth, European corn borer, cabbage worm, loopers, armyworms, boll weevil, alfalfa weevil, Colorado potato beetle, and many others. Its primary agricultural uses have been for control of chewing and sucking insects on crops such as cotton, turf, ornamentals, hops, cereal, corn, deciduous fruit, peanuts, potatoes, and other vegetables. Cyfluthrin is also used in public health situations and for structural pest control (72).

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FORMULATIONS: Cyfluthrin based insecticide formulations are available in the form of emulsifiable concentrates, wettable powder, aerosol, granules, liquid, oil-in-water emulsion and ULV oil spray (69). Typical application rates for agricultural use range from 0.0125 - 0.05 pounds/acre, substantially lower than many other commonly used insecticides. Pyrethrin and pyrethroid formulations typically contain piperonyl butoxide which acts as a chemical synergist. Typical carriers include organic solvents and water. (CDFA shouldn't we test the full product due to the inclusion of these known carcinogens, respiratory irritants, and other health effects?) It is incompatible with azocyclotin.

TOXICOLOGICAL EFFECTS

- **Acute Toxicity:** Cyfluthrin is considered moderately toxic to mammals. The oral dose of cyfluthrin that resulted in mortality to half of the test animals (LD50) ranged from 869 - 1271 mg/kg in rats, 291 - 609 mg/kg in mice, > 1000 mg/kg in sheep, > 100 mg/kg in dogs and > 1000 mg/kg in rabbits (74). In inhalation

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toxicity tests with rats, the concentration of cyfluthrin in air that resulted in mortality to half of the test animals (LC50) was $>1,089 \mu\text{g/l}$ in 1 hour tests, and ranged from 469 - 592 $\mu\text{g/l}$ in 4 hour tests (74). Although cyfluthrin is an irritant to human skin, especially facial skin, it is not considered to have high dermal toxicity. The dermal LD50 in tests with rats was $>5,000 \text{ mg/kg}$, and was not found to be a skin irritant or sensitizer in guinea pigs and rabbits (73, 74).

Skins and Symptoms of Acute Poisoning: Although cyfluthrin is a skin and eye irritant in humans, pyrethroid poisonings are rare. The main reason for their low toxicity in humans, is that they are rapidly broken down in the human body by liver proteins, and eliminated fairly quickly (see fate in humans and animals section). Also, pyrethroids are not well absorbed into the bloodstream, contributing to their moderate acute toxicity in mammals. In laboratory tests where animals have been exposed to very large doses of pyrethroids orally or by injection, there have been effects on the nervous system. (CDFA, what will be the effect on people with neurologically based diseases?) Symptoms of acute poisoning include irritability, excessive salivation, uncoordinated gait, tremors, convulsions, and death. Cyfluthrin may cause itching, burning, or stinging if it comes in contact with human skin. These sensations can progress to a numbing effect that may last up to 24 hours. Usually, there is a 1-2 hour delay of skin irritation following exposure, but it may occur immediately. Dermal irritation may be worsened by sweating, exposure to sun or heat and application of water(75).

Chronic Toxicity: Long-term feeding studies have been conducted with mice, rats and dogs. Investigations of blood chemistry, and necropsies of vital organs did not indicate any organ specific toxicity. The only long-term effects of exposure to cyfluthrin were the retardation of weight gain, and changes in some organ weights associated with body weight effects in the high dose groups (74). In a two-year feeding study with rats fed up to 450 ppm Baythroid, decreased body weights were observed in males, and some inflammation of the kidney was observed in females (76). (CDFA is this product absolutely safe for people with kidney disease?)

Reproductive Effects: A three generation reproductive study in rats produced a Systemic No Observable Effect Level (NOEL) of 50 ppm (2 mg/kg/day), and a Law Observable Effect Level (LOEL) of 150 ppm (7.5 mg/kg/day), based on decreased body weights in pups. It was also determined that the NOEL and LOEL for viability of offspring were 50 ppm and 150 ppm, respectively (76).

Teratogenicity Effects: A developmental toxicity study in rats given doses of up to 30 mg/kg cyfluthrin over days 6-15 of gestation resulted in a maternal NOEL of 3 mg/kg/day (based on behavioral changes in gait and coordination, and a teratogen). NOEL of 30 mg/kg/day (highest dose tested). Another study in rabbits resulted in a maternal NOEL of 1.5 mg/kg/day based on fetal abortion and resorption. No developmental abnormalities were observed at the highest dose tested of 1.5 mg/kg/day (76).

Carcinogenic Effects: There was no evidence of carcinogenicity in rats or mice.

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(cont.)**

Mutagenic Effects: Cyfluthrin was negative for mutagenicity.
Organ Toxicity: Short and long term studies of the effects of cyfluthrin on mammalian systems have resulted in pockets of inflammation in the kidneys of females, and reversible damage to the sciatic nerve (this nerve controls sensation in the leg)(74). (CDFA is this safe for people with nerve and kidney damage? Should people with one kidney risk being around this product?)

Fate in Humans and Animals: Cyfluthrin metabolism in mammals occurs in two phases (biaphasic), an initial fast phase, and a slower second phase. Laboratory tests show that about 60% of an intravenous dose of cyfluthrin is eliminated in the urine in the first 24 hours, with only an additional 6% eliminated in the next 24 hours. Similarly, 20% of the administered dose was eliminated in the feces in the first day, followed by 3-4% the next day. Another test with a single oral dose of cyfluthrin showed that 98% of the material was eliminated by 48 hours (74).

ECOLOGICAL EFFECTS

- **Effects on Birds:** Cyfluthrin is of low toxicity to upland game birds and waterfowl. LD50 values range from $>2,000 \text{ mg/kg}$ in acute oral tests with bobwhite quail, to $>5,000 \text{ mg/kg}$ in subacute tests with both mallard ducks and bobwhite quail (70). Other tests with chicken hens have resulted in LD50 values of $4,500 - >5,000 \text{ mg/kg}$ depending on the vehicle of administration (74). Little information was found concerning the toxicity of cyfluthrin to songbirds. LD50 values for canaries range from 250-1000 mg/kg (73).
- **Effects on Aquatic Organisms:** Cyfluthrin is highly toxic to marine and freshwater organisms. The concentration of cyfluthrin in water that resulted in the mortality of half of the test organisms (LC50) was 0.000638 mg/l in rainbow trout, 0.0015 mg/l in bluegill, 0.022 mg/l in carp, and 0.0032 mg/l in golden oof (70, 73). Cyfluthrin is exceptionally toxic to the freshwater invertebrate Daphnia magna, (LC50 = 0.14 mg/l or .0000014 mg/l). Marine and estuarine invertebrates are also extremely sensitive to cyfluthrin. The LC50 for shrimp was 2.42 ng/l and the EC50 for the eastern oyster was 3.2 ng/l. The LC50 for the sheepshead minnow was 0.004 mg/l (70). (I live on a hill, CDFA isn't it possible for ground water/soil run-off to pollute my fish pond and kill my prize koi? Do they have to give their lives too for this wine pestcontrol program?)
- **Effects on Other Animals (Nontarget species):** Cyfluthrin is highly toxic to bees with an LD50 of 0.037 mg/bee (73). Pyrethroids are known to be highly toxic to other beneficial insects (CDFA, I have an the most pure organic garden possible, relying on beneficial insects, that produces much food for my family and friends. This food is required for our use and recommended by our doctor. I cannot buy

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(cont.)

- **Effects on Other Animals (Nontarget species):** Cyfluthrin is highly toxic to bees with an LD50 of 0.037 mg/bee (73). Pyrethroids are known to be highly toxic to other beneficial insects (CDFA, I have an the most pure organic garden possible, relying on beneficial insects, that produces much food for my family and friends. This food is required for our use and recommended by our doctor. I cannot buy

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food this pure anywhere else. How can you compensate me for something that can not be replaced?) Organic produce uses insecticides with inert's that can affect my health.)

ENVIRONMENTAL FATE

- **Breakdown of Chemical in Soil and Groundwater:** Cyfluthrin is sensitive to breakdown by sunlight. On the surface of soils, its half-life is 48-72 hours. It has a half-life of 36-63 days in German loam and sandy loam soils, respectively, and has similar persistence in soils under conditions of low oxygen (anaerobic). Cyfluthrin is very immobile in soils, and is not considered a threat to contaminate groundwater (77). The primary breakdown products of cyfluthrin are carbon dioxide and 4-fluoro-3-phenyl-benzaldehyde (a compound of considerably lower toxicity than the parent compound) (78).
- **Breakdown of Chemical in Surface Water:** Cyfluthrin is broken down quickly in surface water. Because it is relatively non-soluble, and less dense than water, it will float on the surface film of natural waters. At the surface, it is subject to breakdown by exposure to sunlight (1 day). It is stable to breakdown by water at acidic pH, and quickly hydrolyzed in water under basic conditions (77).
- **Breakdown of Chemical in Vegetation:** There is little information available about the breakdown of cyfluthrin in vegetation. One study determined that very small amounts of cyfluthrin residues remained on strawberries 7 days after the last of 3 weekly applications (78). Another researcher identified a protein in tomatoes that is capable of breaking down cyfluthrin (79). Researchers in Australia demonstrated that cyfluthrin is stable and resistant to breakdown when used on wheat in storage for up to 52 weeks (80). (CDFA how dare you use a chemical on food crops that the breakdown on food crops is not determined?)

B14-88 (cont.)

- Partition Coefficient: Not Available
- Adsorption Coefficient: 5.62
- **Exposure Guidelines:**

- ADI: 0.02 mg/kg b.w.
- MCL: Not Available
- RPD: 0.025 mg/kg/day
- PEL: Not Available
- HA: Not Available
- TLV: Not Available

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BASIC MANUFACTURER

Bayer Agricultural Products
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REFERENCES

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PHYSICAL PROPERTIES AND GUIDELINES

Physical Properties:

- Appearance: pasty yellow mass
- Chemical Name: Cyanot(4-fluoro-3-phenoxy-phenyl)methyl[3-(2,2-dichloroethoxy)-2,2-dimethylcyclopropane]carboxylate
- CAS Number: 68359-37-5
- Molecular Weight: 434.3
- Water Solubility: 0.002 mg/ml @ 20 degrees C.
- Solubility in Other Solvents: > 200 g/l in dichloromethane and toluene, 10-20 g/l hexane, 20-50 g/l propan-2-ol
- Melting Point: Not Available
- Vapor Pressure: 1.62 x 10 to the minus 8 mmHg

The following half lives chart was prepared by a member of the Canaries Foundation who has an MS degree in Applied Statistics.²²

To use the chart first choose the number days of the half life being investigated. Line 1 corresponds to when $\frac{1}{2}$ of the pesticide product is gone. Line 12 corresponds to how long it takes to be $\frac{1}{12}$ or almost gone. Merit's half life is 180 days, therefore it takes 2280 days to be nearly gone. Carbaryl has a half life of 28 days in our clay soil and will take 336 days to be nearly gone. If you live near the beach and have sandy soil Merit will last 756 days in your soil. That's a long time for toxic dust to be in the air especially for those sensitive people, beneficial insects, organic gardeners.

²² Chart of half lives extrapolated to when the pesticide will be gone in the gardens of Californians.

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Willow one of the pesticides will deny access to Garden (Merit) 1 year. Mitigation for denied access to garden is needed. What provisions will be instituted to protect homeowners who purchase with in the one year restriction on using this product for vegetable and fruit. Selling house issues unacceptable risk and mitigated program needed.

Merit talks or other hyper-reactive air way disease. What is the safe exposure level for these pesticides for people with Hyper-reactive or other pulmonary /life-threatening or disabling conditions?

2-7 Impact HAZ-1 registration program reasonable certainty of no harm. What evidence can't be provided to prove safety for the 100 million Americans with chronic health diseases, the frail disabled populations, especially those with neurological, immuno, liver /detoxification, hyper-reactive airway disease and/or pulmonary conditions. WE maintain that an emergency will be created by this program forcing .

2-7 continued Restrictions, not proper to police yourselves. WE demand outside monitoring of pesticide exposures determining the levels of fine particulate matter less than one part per billion.

2-8 Impact Haz -3 When evaluating the uncertainty factor please provide the original statistical data and scientific data that the uncertainty factors protect frail populations. Are there studies using the full product including the inert on sick and dying animals? If you don't know what the impact is on frail compromised disabled populations, then how can you know what buffer to add in?

3-10 Please present scientific evidence to prove GWSS is a strong liver.

3-23 Section 3.4 All the grape growing regions of California could experience Pierce's Disease. If this is real emergency, why does the government allow the continuation and expansion of vineyards in Pierce Disease counties?

4-2 Section 4.2 PDCP- pest prevention to protect California Citizens, environment and economy from the ravages of serious invasive pests. There has been no disabled citizenry that requested protection from the ravages of the GWSS. How can you justify exposing pesticides against disabled frail sick and dying citizens will and their doctor's³ recommendations because an insect might prove to be a nuisance. The state doesn't have a program to eradicate termites, ants and other common and invasive pests that people

4-5 Section 4.3 All reasonable treatments How is this pest going to pose threat to human health? Please show the scientific data on exposure to asthmatics or persons with hyper-reactive airways disease from exposure to legal fine particle pesticides and the impact on the same population with GWSS rain. If you can not produce the data, then keep pesticides out of the communities and keep the pest out by barriers or other means.

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4-14 Section 4.61 Notices of treatments. Because of the great possibility of a disabled person who may be of frail health and because they and their doctors may not be aware of the acceptable risk of their harm, CDFA must not only be present at all pesticide applications to monitor all exposure levels, they must also warn the disabled frail and sick populations of the lack of any scientifically based certainty of their safety and provide mitigation for temporary housing until it is scientifically proven by an independent source to establish that no pesticide residues remain.

The State of California Dept. of CDFA deliberately singles out chemically sensitive and chemically injured persons implying that their illness isn't real causing us personal suffering and forcing the burden of proof on the poorest population. CDFA discriminates against disabled chemically intolerant, injured or sensitive sick and dying populations by failing to provide any medical facility anywhere in the state that will allow us to prove our sensitivity to legal low level exposures in a scientifically valid environment. CDFA needs to provide people with disabilities the ability to prove disability, since current medical ethics refuse to allow pesticide exposure testing. If CDFA demands proof of sensitivity to believed to be safe levels, then CDFA needs to provide the scientific facility and doctors to expose those people who wish to be protected to the full pesticide product(s) including inert, at legal levels believed to be safe for all. Since there never is any evidence of harm because no one has ever studied the effect on sick and dying frail disabled people, failure to test for our disability to the scientific levels needed for protection is discrimination and demonstrate a hostile attitude and intent to harm especially if disabled persons physicians recommend complete avoidance. Clearly, the EPA recognizes the condition in the EPA Recognition and Management of Pesticide Poisoning page 36. Also the State of California recognizes chemical sensitivity by persons of multiple disabilities in the new Clearter Air Disability Sturage and accompanying language.

Therefore if the burden of proof is on the sick and dying, frail, disabled people it would be helpful to test the level of exposure that would occur from CDFA's selected pesticides two hours after an application or when dry. That way we could all be reasonably assured of safety. Please provide the scientific evidence that when a pesticide is dry there is no significant risk to the disabled, sick and dying, fragile, acceptable risk population. It is imperative that you test using ultrasound to document lung constriction in those disabled with hyper-reactive airway disease reporting sensitivity to chemicals. This research would also provide the medical profession with ground breaking discoveries on exactly what amount of pesticides are truly safe for the sick and dying frail! Therefore if the burden of proof is on the sick and dying, frail, disabled people it would be helpful to test the level of exposure that would occur from CDFA's selected pesticides two hours after an application or when dry. That way we could all be reasonably assured of safety. Please provide the scientific evidence that when a pesticide is dry there is no significant risk to the disabled, sick and dying, fragile, acceptable risk population. It is imperative that you test using ultrasound to document lung constriction in those disabled with hyper-reactive airway disease reporting sensitivity to chemicals. This research would also provide the medical profession with ground breaking discoveries on exactly what amount of pesticides are truly safe for the sick and dying frail!

4-27 4-6.4 Please provide the scientific proof for all pesticides that can be used in this program that the full pesticide product has been tested utilizing the full battery of tests to prove that no unknown synergistic effects regarding toxicity will occur. Please provide the scientific evidence that these pesticides under consideration are safe utilizing the full

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product for the disabled, sick and dying, frail acceptable risk population. Please quantify and identify the sick and dying frail disabled people who make up the acceptable risk population for any pesticide use. It cannot be determined that there is a statistical significance without any data.

4-35 4.6.4 300 yards radius will destroy beneficial insects and force the evacuation of sick and dying frail disabled people because air borne coccernutations would be at the fine particle contamination and potentially murder those very ill.

4-35 4.6.4 Out reach meetings must be cleaner air disability access locations.

4-36 4.6.4. The Agricultural Commissioner and licensed pesticide applicator has no bases of authority to know when any pesticide is safe especially for the sick and dying, frail disabled people.

4-37 4.6.4. Since there is no current acute inhalation exposure limit for Carbaryl, it is criminal neglect to use this on public property and suggest that no harm will come. CDPR 51.7 grams per cubic meter as interim health screening level, Sandborn 2000. Threat of terrorism

He has no evidence of the cumulative exposures of the chemically injured population.

I did not get to go through the rest of the EIR. Though some comments may be appropriate, I have enclosed an email from Steve Tvedten.²³ "It was literally illegal to say bad things about pesticides and herbicides." Here may be some evidence that our government has deliberately manipulated physicians explaining why it is so hard to find a doctor to diagnose pesticide illness. No wonder physicians still lie about pesticide safety. I have made a case of overt discrimination by the State of California. While I always suspected it, I have never been so disgusted with my government and it's favoritism to the chemical industry.

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(cont.)

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B14-102

B14-103
B14-104

B14-105

B14-106

B14-107

- d. The tax-payers of California can not afford to provide state-wide pest control for irresponsible businesses that ignore the risks of planting susceptible plants in incurable and devastating Pierce's Disease areas
- e. Every sixty days a new pest enters California. The California tax-payers should not bear the only burden to protecting the economic interests of agriculture eaten by the nation and the world.
- f. Nursery plants transported through out the state are a threat to Agriculture.
- g. The world does not appear to be interested in genetically engineered crops and won't buy California wine if genetically engineered.
- h. Politicians have made our nation too dependent on foreign crops and plants that may some day threaten our ability to feed ourselves in the event of war or other emergency, if our best farm lands continue to be converted to housing.
- i. Pierce's Disease is a slow moving disease, it is possible to prune off the diseased part of the vine or tree.
- j. There is a test for Pierce's Disease that can be used to protect crops.
- k. Nursery plants that carry Pierce's Disease are not certified to be Pierce's Disease free.
- l. Farmers and growers are allowed to rip out disease resistant crops and plant disease susceptible plants in disease prone areas, expecting the tax-payer to bear the burden of their poor choices.
- m. Good plant nutrition, using soil amendments will help plants, vines to be better able to withstand or survive the disease.

2. The following combined solutions should be required:

- a. STOP PESTS AT THE BORDER, FUNDED BY THE FEDERAL AND STATE GOVERNMENT.
- b. To encourage Agricultural diversity and some day sustainable agriculture for the people of California, in California restrict, and/or limit foreign/out of state fresh produce that can be grown here in our state. The entire globe needs to think sustainable for each region.
- c. Encourage a similar program on a national/federal level to protect our nations farmers. We can still trade with foreign

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The Final Solution:

1. The following facts warrant an alternative to this project not considered:
 - a. Native insects that transmit Pierce's Disease and other plant diseases, can also be transported by Nursery Stock
 - b. Scientists agree GWSS cannot be eradicated.
 - c. The tax-payers of the State of California can not afford to provide state-wide pest control for food sold all over the nation.

²³ Steve Tvedten email California Medical Board Appointees "In Shock over Accusations"

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- nations and buy imported canned, frozen, or other processed food, just not fresh produce. The pest infested produce and nursery stock is an unacceptable constant threat to Agriculture.
- d. When farmland converts to housing because farmers can't compete with foreign produce the loss of prime farmland is a risk to our national security. We need to insure that sustainable food production is continued in every area of our nation.
- e. Inspect foreign produce to insure it is fully pest and disease free.

- f. Require every California farm to be certified GWSS and native species free that transmits Pierce's Disease Free before transferring crop out of county is allowed. No inhabiting bugs allowed. This can be done cheaply with traps set at a repeated distance determined by CDFA. Monitoring could involve sending in the traps to CDFA prior to getting a permit to move crop out of county.
- g. If insects that transmit Pierce's disease are found at a farm, the crop could be treated to eliminate the pest and re-certified, or the crop quarantined to that county. For example infested wine grapes could be processed and bottled in that county. Other contaminated food crops could be sold to that county's residents or processed in that country into jam, canned, juiced, frozen, or other pest free food product. This would encourage more sustainable and diverse agriculture, and sustainable production in each county. It would encourage farmers to diversify, like those of us who have stocks to minimize the risk of loss due to one investment. Rather than continue the soil depleting monoculture farmers could grow a variety of crops for their communities and sell the excess globally via distributors. Farmers would benefit, from the restriction of imported food that competes with their crop. Consumers would benefit from fresher products. Price competition would occur between local farmers and state farmers.

- h. Only certified GWSS and other pest free crops, as well as Pierce's Disease free nursery stock could be used for out of county, out of state, national and global sales.
- i. Develop the science of truly effective agricultural buffer zones for the protection of GWSS and PDCP and future pest problems. While homeowners might tolerate insects, farmers need to control their damage. Due to the increasing awareness

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- of pesticide illness from farm pesticide exposures, buffer zones are a natural solution. Statewide zoning could mandate a solution, requiring those farms adjacent to residential areas that cannot provide a buffer zone to be zoned organic, or non-synthetic pesticide agriculture. When our State budget is more profitable funding could be provided for training.
- j. Farmers should also be protected from encroaching development with mandated buffer zones necessary for GWSS PDCP and future pest problems.

- k. The buffer zone as a natural solution to protect from unwanted pests and disease should be designed to be inhabitable to insects and diseases. An inexpensive artificial turf or other non-insect attracting ground cover, not requiring constant chemical herbicide maintenance needs to be placed around every farm that uses synthetic pesticides, especially those threatened by residential insect invasion.

- l. Pierce's Disease is a slow moving disease, it is possible to prune off the diseased part of the plant. On the GWSS Environmental Task Force when we challenged why the

growers weren't testing for disease and weren't pruning the vines to get rid of the disease, we were told that GWSS could drill through the trunk of the vine. Later a Task Force member, told me that the State's expert Sandy Purcell (I apologize for the misspelling of his name) stated in a Pierce's Disease/GWSS science meeting that this drilling through the bark was based on anecdotal evidence because they found excrement of the GWSS on the trunk of the vine. Wine Spectator reported that some of the vines in ground zero Temecula could have been saved by pruning. This raises concerns of the actual existence of any Emergency, and how much devastation there would have been if the vines had been tested and pruned. Since growers are still talking about this threat that doesn't seem to be based on any science, a solution I recommended while on the Task force is to wrap the trunk of the vine with netting to protect the plant, monitor for the pest and treat with For Grape vines threatened and other 'test the Actual threat to a fenced cropped. Place a 25-foot tall fence around a crop. See how much of the land surrounding the crop needs to be GWSS host plant free in order to protect the crop. Determine the actual one flight leap of GWSS by testing in a controlled environment, depriving of

B14-107
(cont.)

B14-107
(cont.)

food and water and see how far it can fly in one leap and how high when deprived of food. Food should be placed on the other side of a 25 ft tall fence.

3. Any Pierce's Disease found in the landscape within 10 times the GWSS flying distance shall be mandated to be converted to a non-host crop not affected by that Pierce's Disease in that area.
4. This distance should be a mandatory buffer zone between crops that are threatened by Pierce's Disease and any other land.
5. In this buffer zone artificial turf, or other non-GWSS habitat should be placed within a 25-foot tall fence surrounding the crop.
6. Traps should be set on the fence every 100 feet to monitor infestations. Like the Temecula Growers having a buffer zone has significantly reduced GWSS.
7. All agriculture within any Pierce's Disease strain will not plant susceptible plants to that particular strain. Temecula growers should grow citrus or other crops.
8. If these are not possible then do nothing. Stop funding genetic engineering. Let the growers make their own choices, we can't afford to finance any more programs we're in a national and state financial emergency.

I apologize again, I can not edit this document properly by myself. My health is failing due to this monstrous effort. I have also included many documents in the enclosures that I have had not the time to discuss. Of particular interest to senior counsel will be the HUD and Legal recognition of MCS documents. These precedents would work for any disability aggravated by pesticides. Note disabled people have the right to alternatives. Under CEQA healthy people have a right to alternatives, being that there are so many disabled people with chemical sensitivity, this urban forced spray program is a huge liability to the state.

Sincerely,

Linda J. McEver
President Canaries Foundation, Inc.
PO Box 3253
San Luis Obispo, CA 93403- 3253

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B14-109

Legal Recognition of MCS by US and HUD
Albert Donnay, MCS is a medical determinable impairment Social Security
April 17, 2002 CDF A Letter
April 30, 2002 CDF A Letter
May 10, 2002 CDF A Letter
May 6, 2002 CDF A Letter
California Legislature

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California Legislature

California Cleaner Air disability sign
Steve Tvedten California Medical Board Appointees "In Shock" over
accusations.,
Doctor Rae's Letter regarding patient.

Legal Recognition of MCS by US HUD
EPA Recognition and Management of Pesticide Poisoning
Half Lives Chart- and How Long It takes for products to be gone in the
soil. This was prepared by a member of the Canaries Foundation who has
an MS
degree in Applied Statistics.

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Non Governmental Public Health Representative for the Glassy winged Sharpshooter Environmental Task Force, CA Dept. of Food and Agriculture

Permanently disabled with toxic encephalopathy, hyper-responsive airway disease, chronic fatigue, fibromyalgia, chemical sensitivity and other conditions. Please forgive what must be a huge amount of repetitions and errors.

B14-107
(cont.)

Enclosures: Not in any particular order

Notes from Canaries Coalition EIR group CDF A PLEASE RESPOND TO THESE QUESTIONS

B14-110

What studies support that distance to these municipal waterfarms?

p2-1.1 Under Impact WQ-3, how will municipal waterfarms along with water storage facilities be protected from the "inert ingredients" especially since you don't know what these "inert ingredients contain"? How can something with unknown ingredients be excluded from analysis in the first place and then ignored in the determination of "significance"?

p2-1.2 Under Impact Bio-2, if a threatened, endangered, or sensitive plant or animal happens to be located on one of these nurseries are you saying that it is okay to kill them using your pesticides?

p2-1.2 Under Impact Bio-3, the "at risk" population relies on these insects to pollinate their organic gardens on their private property, how can eliminating these insects be considered insignificant especially if you treat large areas with pesticides? How large of an area in acres is the largest area you will treat? Where are the impacts of such a treatment analyzed in this document?

p3-1 Under section 3.1 why is Piec's disease considered such an emergency if it has been in California for over 100 years and has only theoretically killed a very small percent of the state's wine grape crop? More acres burn in small wildfires each year in California which aren't considered an emergency. Where is the emergency?

p3-5 Under 3.2-why are we not making it mandatory to only plant more tolerant grape varieties? This seems wise for the growers from an economic standpoint or are you willing to spend endless taxpayer's money on fighting Piec's Disease using pesticides you know will not eliminate the insect?

p3-19 Under 3.3.2 it states native boots include symamores. Since symamores are found primarily in riparian areas how are you planning on treating these areas with pesticides especially with the risk to threatened, endangered, and sensitive species?

Also, how will you mitigate the potential impacts to culinary drinking water? Where is the scientific data which supports your statement where you say "there is potential for the sharpshooter to move... to back this up" than this misleading statement should be omitted from this document.

p3-21 Under 3.4 it is stated that "recent outbreaks of the glassy-winged sharpshooter in southern California and parts of Kern County have raised the possibility that there may be an increase in the incidence of Piec's disease, and other xylella fastidiosa-caused plant diseases in California". Isn't it obvious from the choice of words used here that there is no real emergency to your state? Why be an increase in the incidence of Piec's disease?

Where is the scientific data which supports your statement where you say "there is potential for the sharpshooter to move... to other plants causing new diseases and it spreads into habitats occupied by native vectors"? If you dont have data can see with 15 years of grape planting what percentage is now infested? Also, the 30% figure in 10 years amounts to 3% which is quite small in reality from a piec standpoint.

p3-23 Under 3.4, what date do you have to support the statement "virtually all the grape growing regions of California could experience an increase in Piec's disease incidence"? How would you further define "could" in this sentence? From this is obvious the emergency nature of this situation is clearly based not on science but hype.

p3-21 Under 3.4, in the last paragraph what is the total acreage of grape vines in Temecula in the year 2000 so that the reader can see with 15 years of grape planting what percentage is now infested? Also, the 30% figure in 10 years amounts to half life standpoint such that raised pesticide levels are safe for the general public and the "at risk" population?

p4-2 Under 4.1 it states this is "a programmatic EIR for a statewide effort to control Piec's disease". Isn't it impossible to address this issue at a statewide level? Don't you therefore think that much worse from a scientific standpoint to breakdown the analysis into smaller geographic areas which can really address the issues much better? For example to say something isn't significant at the state level may be totally inappropriate at a county level.

Under 4.1 this EIR clearly does not balance the benefits of a proposed project against its environmental consequences, rather it falls far short of this most important purpose. Why are key points that should be considered significant impacts such as the health and well being of the "at risk" population being ignored when it is medically recognized by physicians of individuals in this population that exposure to pesticides can have

B14-129 (cont.)

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B14-149

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B14-154

B14-142 (cont.)

significant impacts to their health, including health? Common sense suggests the best way to evaluate the potential impacts to this group is to ask those trained in this field in the medical community. We have yet to meet a physician of an "at risk" person suggest they use pesticides.

Under 4.2, this EIR states "keeping with the overall goal of the entire Pest Prevention program of CDFA, which is to protect California's citizens, environment, and economy from the dangers of serious invasive pests". If protecting the citizens of California is a top goal of this program and leading medical doctors in the world argue against using pesticides near the "at risk" population can you please explain EXACTLY this document is meeting this goal? Also, how are the needs of these individuals/patients being met since many of them rely on their land to produce pesticide-free food? Is it correct to say that this program will change the environment of their yard such that they will not be able to have gardens for months or years until the level of pesticides is reduced to somewhere closer to its pre-peapticide spraying?

p4-5 Under 4.3 it states "CDFA is obligated to prevent the introduction and spread of injurious insect and animal pests, plant diseases, and noxious weeds". Is it not true that this is not to be at the expense of the "at risk population"?

This section goes on to state "CDFA and the state's agricultural commissioners are to use all reasonable means to control or eradicate newly discovered pests". Doesn't the words "reasonable means" also suggest that this forced spraying of pesticides on private land, against the will of citizens of California should not be done if it isn't considered reasonable? Isn't the act of murder under the U.S. Constitution considered to be an unreasonable act?

Also under this section it is stated that "pests can pose a threat to human health"? Where in the scientific literature does it show this insect/disease would pose a threat to human health? If this can not be scientifically shown this statement should be removed from the document as it is another misleading sentence.

In the last paragraph on p4-5 the document states "Invasions abatement may not be exercised capriciously without regard for landmarks". Why then is this document proposing to trespass on private landowners property and spray pesticides against the will of faultowners? This statement clearly states that landowners have rights and that they can elect to not have their property sprayed with these toxic pesticides. It is clearly time that human health is put first and foremost, ahead of any insect no matter what the cost.

p4-6 Under 4.1 it states, "ensure pesticide treatments and other control actions are conducted appropriately". Can you please explain how this can be done since the full product for each of these pesticides has not been properly tested to know the health risks to humans both in the healthy and "at risk" populations?

p4-10 Under 4.4 how can you use the word "inclusive" when describing how the task force works with regard to the "at risk" population when you drop their concerns from the analysis on p5.2? 19?

p4-11 Under 4.42 it states environmental monitoring would be done by CDPR. Why isn't this going to be done by an unbiased private consulting firm? This is ABSOLUTELY necessary to avoid the possibility of potential covering of non-compliance of the proposed pesticide spray program.

p4-13 Under 4.6.1 it is stated that "outreach seeks to enlist the help of the public". Why is it that the "at risk" population has spoken all to their specific needs and you have chosen to not only discount this group but also ignore their needs which have the potential to cause harm or death?

p4-14 Under 4.6.1 it goes on to state CDFA will "work with local officials to respond to the unique social, environmental, and public health needs of each community". Again, why have the medical health needs identified by physicians of the "at risk" population been ignored?

Under 4.8.1 it states notices would include information regarding the pesticide treatment materials! Would these notices reveal the inert ingredients in the pesticides and how they interact with the active ingredients as well as the health effects on healthy as well as "at risk" humans?

Under 4.6.1 you state "additional project staff "may" be assigned to monitor treated areas". Are you planning on fully monitoring EVERY AREA, that is treated?

p4-16 Under 4.6.3 why would you, returning infected shipments when the GWSS/Pieci's Disease could potentially infect

B14-154
(cont.)

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p4-24 Under 4.6.3 how long will it take for the mailing operations to become fully operational?

p4-24 Under 4.6.4 the last paragraph on p4-24 the EIR addresses "potential toxicity" to threatened, endangered, or species of concern and mentions developing "appropriate measures to avoid jeopardy to these species". Everyone understands the need to provide extra protective measures to protect these species but why don't you do the same with regard to protecting the health of the "at risk" human population? This clearly supports now you are willing to discriminate against the "at risk" population when you choose to not protect them but are willing to provide protective measures for threatened, endangered, or species of concern...?

p4-24 Under 4.6.4 why haven't you carefully analyzed the pesticides so that a "take" of an "at risk" person doesn't happen as treat these areas then why is it not possible to keep pesticides off or piancial property or the "at risk" population?

p4-26 Under 4.6.4 could private citizens have vegetation removed instead of having pesticides sprayed on their land or vegetation?

p4-26 Under 4.6.4 what is the maximum acreage by county plus the state of California as a whole that could potentially be sprayed under this proposal and what is the maximum number of applications of pesticides for these locations in a given year as well as how many years could this program last?

p4-27 Under 4.6.4 How is the public to know exactly what you are proposing under the last paragraph on p4-26 when you don't give detailed scenarios? Although these scenarios would be hypothetical at least it would give the public something more realistic to comment on. Please provide such scenarios.

p4-27 Under 4.6.4 it is stated that "these pesticides would most likely continue to be used as the primary pesticides for the rapid response program". Why does the document not specifically address ALL the pesticides which could be used rather than misleadtng the reader into thinking only the three discussed in detail would be used?

p4-28 Under 4.6.4 it goes on to state that "other pesticides registered for use against earthworms and arthropods exist or other benefit (e.g., reduced risk)" How do you completely define advantage and reduced risk? Is reduced risk referring to the "at risk" population and if so how?

p4-28 Under 4.6.4 it states pesticides would have to comply with requirements "including satisfactory toxicity evaluations with reasonable assurance of no harm under proposed test conditions". Where can we read about the composition of the inert ingredients and how they impact human health among healthy and "at risk" members of the state of California? Please provide a source for this information or include in this document.

p4-29 Under Tables 4-2 thru 4-5 It appears the active ingredients in these pesticides account for 41.2 percent of Sevin, 20 percent of Temco, and 75% of Merit. With this in mind isn't it true that the remaining 58.8 percent for Sevin, 80% for Temco, and 25% for Merit is that inert ingredient? Do you find it alarming that up to 80 percent of a product you are calling safe to spray on the properties of private individuals who are healthy and in the "at risk" population is made of unknown, untested ingredients? Therefore, how can you truly say these products are safe to use if you do not know what these inert ingredients are composed of let alone how they might synergistically interact with each other if more than one chemical is involved and how these interact with that active ingredients?

p4-31 Under 4.6.4 the EIR states "preliminary data suggest that foliar treatments using the materials listed above may have a residual activity of up to six weeks". Why then are you spraying in Impact LU-3 that it will be safe for humans two hours after application? What data do you have to substantiate this claim? A member of the Canaries Conflict was forced to sleep in their application. They sleep in their driveway in the car only to wake the next morning feeling extremely sick. After researching the symptoms online and calling to a neighbor the mystery was solved, it was a case of pesticide poisoning. The neighbor had sprayed Roundup on the property the day before. So please, using this information about a product that people claim is as safe as water, how could an "at risk" person become ill from being around serious impacts to health or even death? How will these special circumstances be mitigated?

something that had outgassed for well over the 2 hours you mention here? Could it be that it takes much more time for the post-pesticide sprayed environment to become safe for the "at risk" person?

Under 4.6.4 why wasn't the following question posed to the Science Advisory Panel? Have the products been fully tested including the inerts and the active ingredients showing no danger to public health including danger to health of the "at risk" population? This clearly supports now you are willing to discriminate against the "at risk" population when you choose to not protect them but are willing to provide protective measures for threatened, endangered, or species of concern...?

p4-32 Under 4.6.4 how large of an area are you potentially willing to spray with pesticides? Clearly you have some acreage in mind based on the top sentence on this page.

Under 4.6.4 you state "Carbaryl had been recommended by the Science Advisory Panel". Certainly, this panel of knowledgeable scientists based this decision on having the total recipe of these pesticides, including inerts, as well as scientific statistical analyses of how the inerts and the active ingredients act individually? Didn't they? If not, can you please explain how the scientific community which pridea it.

Under 4.6.4 with regard to carbaryl it is stated that "although much information—especially about effectiveness against gnat-winged sharpshooters—is lacking, the data are sufficient to determine which products merit further review". Is it true than that not only is the full product not adequately tested to understand its potential human health risks but no one even knows the effectiveness of this pesticide on GWSS/Pierce's disease? It also claims that carbaryl is the benchmark. By which all other pesticides will be measured? Does it make sense to use a pesticide for which we don't have a clue about health effects on the "at risk" population to be the pesticide to which all others are compared?

We think this is clearly ludicrous and must not be allowed to be passed off as good science.

Under 4-6.4 what temperature does phototoxicity occur on plants if carbaryl is applied?

Under 4-6.4 with regard to carbaryl it is stated that "although much information—especially about effectiveness against gnat-winged sharpshooters—is lacking, the data are sufficient to determine which products merit further review". Is it true than that not only is the full product not adequately tested to understand its potential human health risks but no one even knows the effectiveness of this pesticide on GWSS/Pierce's disease? It also claims that carbaryl is the benchmark. By which all other pesticides will be measured? Does it make sense to use a pesticide for which we don't have a clue about health effects on the "at risk" population to be the pesticide to which all others are compared?

We think this is clearly ludicrous and must not be allowed to be passed off as good science.

Under 4-6.4 Under Table 4-6 you show a table listing active ingredients in pesticides which have passed CDFA treatment selection. Where is the table which shows the corresponding inert ingredients? For some reason our copy of the draft EIR didn't have one. Could this please include in the final EIR?

Under 4-6.4 It states County agricultural commissioning may require growers to treat their crops with registered pesticides suitable for leafflower control". Does this mean organic farmers would be forced to spray or have pesticides sprayed against their soil? How will this effect organic certification and how will the public know if these pesticides are permitted to be used on organic crops when they purchase these crops at the store? This has LIFE THREATENING SITUATIONS written all over it. Also, many "at risk" individuals have no choice in what they eat. For most, they are only able to tolerate pure organic foods. Where will they get their food from if you spray their yards and organic farms with pesticides that could cause life-threatening situations? THIS MUST BE CLEARLY ADDRESSED.

Under 4-6.4 you state other approaches have been tried for organic growers including "use of organic-approved pesticides". What are these and have they been tested on the "at risk" population?

Under 4-6.4 Under 4-6.4 would the entire 1600 foot diameter circle (300 yards in all directions) be sprayed with pesticides? Where is the analysis to show this type of spray program does not have any significant impacts as defined by CEQA?

Under 4-6.4 how does the public acute county's PDCP workdays?

Under 4-6.4 how much time would pass between when an infestation is identified until it is sprayed with pesticides? How will you handle notifying individuals who might be out of town when the infestation is found?

Under 4-6.4 how do members of the "at risk" population prepare for the spraying? Where can they go if that only place they tolerate is their home or even their yard as many of these people sleep in their yards as they cannot even rent/insure their homes for any length of time? Adequate housing must be built in a safe area for these individuals well in advance of any pesticide application.

Under 4-6.4 what happens if a member of the "at risk" population's doctor states their property should not be sprayed due to serious impacts to health or even death? How will these special circumstances be mitigated?

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how this has changed and why?

p4-37 Under 4.6.4 it states "Currently there is no acute inhalation exposure limit established for carbaryl". Is this because the full product hasn't been tested? Or after complete product testing it was found to be so safe? Likely it is the first and not the latter based on the fact that individuals applying these pesticides wear significant personal protective gear. How far away was carbaryl found on adjacent properties discussed in the last paragraph on p4-37? Is drift permitted? What is the acute inhalation limit for the "at risk" population?

B14-176

p4-36 Under 4.6.4 the monitoring should again be undertaken by a private company who has no interest in the outcome of their findings so as to provide true unbiased data. With monitoring would this be provided throughout all the half-lives for each pesticide used such that you can inform the "at risk" population when it is safe to return?

B14-177

p4-38 That last paragraph reads "representative backyard vegetables and fruits could be sampled". Shouldn't this read "will be sampled" instead of could be sampled? How else can you provide for the safety of the public?

B14-178

p4-37 Under 4.6.4 how can you insure accurate, reliable monitoring with such a potentially large scale program covering potentially the entirety of the state? Without the accurate, reliable monitoring aren't you are putting the health of millions of Californians at risk?

B14-179

Under 4.6.4 it mentions CDPR took "samples from application equipment to determine the concentration of active pesticide ingredients." Did they not take samples of the inert ingredients as well? If they not why didn't they sample those as well? If these ingredients makeup up to 80% of the pesticide product doesn't it seem like a smart thing to monitor these as well?

B14-180

Under 4.6.4 and under the Freedom of Information Act, please provide statistical data and analysis that shows the amount of variability in actual application rates, head out the desired rates for the GWSS spray program to date and the maximum acceptable application rate for each pesticide.

B14-181

p4-37 Under 4.6.4 it itentions CDPR took "samples from application equipment to determine the concentration of active pesticide ingredients." Does this mean that genetic engineering will be involved? If so how will the public about the genetically engineered wines manufactured from these grapes? Based on current knowledge concern over genetically modified crops does it make sense to ban/poison the especially since it is unlikely many people in the U.S. and abroad want genetically engineered foods/drinks? Questions which must be addressed are: How would such a program impact the physical environment under CEA, and what are the economic consequences of such a program?

B14-182

p4-38 Under 4.6.4 the EIR talks about a pond that had high levels of carbaryl which "resulted from the resident, hoing down treated surfaces, causing water to runoff into the ground-level fishpond". How will these types of situations be mitigated in the future?

B14-183

Under 4.6.4 why hasn't more money for the GWSS/Fierce's Disease Program been allocated towards research? Seems like this is the next important area to focus on.

B14-184

p4-39 Under 4.6.4 It states "long-term research focuses on Plenica's disease, including developing plant resistance to the disease". Does this mean that genetic engineering will be involved? If so how will the public about the genetically engineered wines manufactured from these grapes? Based on current knowledge concern over genetically modified crops does it make sense to ban/poison the especially since it is unlikely many people in the U.S. and abroad want genetically engineered foods/drinks? Questions which must be addressed are: How would such a program impact the physical environment under CEA, and what are the economic consequences of such a program?

B14-185

Under 4.6.4 why aren't screens being used around all nurseries discussed in the second to last paragraph on p4-39?

B14-186

Under 4.6.4 why aren't screens being used around all nurseries discussed in the second to last paragraph on p4-39?

B14-187

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B14-188

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B14-189

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B14-190

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B14-191

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B14-192

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B14-193

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B14-194

Under 4.6.4 why aren't screens being used around all nurseries discussed in the second to last paragraph on p4-39?

B14-195

Under 4.6.4 why aren't screens being used around all nurseries discussed in the second to last paragraph on p4-39?

host plants and plant materials; However, if you're allowed to reflect a shipment such that it could be returned what safeguards are in place that this outbreak wouldn't pose a risk to areas along the travel route and once it finally makes its way back to the point of origin?

p5.1-5 Under Impact Ll-3 why are the specific needs here at half-risks? If we take a look at half-risks, it will take up to 6-12 years for almost all of the pesticides imidacloprid (merit) to breakdown. THEREFORE THIS IS A SIGNIFICANT ISSUE UNDER CEAQ and appropriate mitigation measures must be provided.

Under Impact Ll-3 in the last paragraph on p5.1-5 can you please explain the use of "may" and what constitutes such a spray program threatening the health of the "at risk" population?

p5.1-6 Under Impact Ll-3 can you provide scientific evidence that dry pesticides equates to "no risk" for the "at risk" population? Please provide table 4.4 and figure 4.4 in the final EIR document to show how long it takes for the pesticides you propose to use to breakdown to values approaching zero percent? Also, would you please provide the same information for the inert ingredients just in case one of these happens to be, by chance, more dangerous than the active ingredients?

Under Impact Ll-3 does forcing the "at risk" population to flee one's home and yard for months or years constitute an "inconvenience" or a criminal act? This is clearly a criminal act and therefore Impact Ll-3 is SIGNIFICANT and irrigation measures must be analyzed and incorporated if you plan on "spraying the yards of these individuals."

Under Impact Ll-4 how can you state the spraying will not "decrease below self-sustaining levels" if you don't specify how large an area you would potentially spray with pesticides. Unless this sets issue is addressed and is found to be small in size this is a SIGNIFICANT and irrigation measures must be analyzed and undertaken.

p5.1-7 Under Impact Ll-4 how will you guarantee avoiding drift?

Under Impact Ll-5 we all know how important botanical insects are for pollination but why do you know/why in this document discriminate against the "at risk" population for protecting of botanicals on their property? Please provide data and corresponding analysis that shows under the maximum acreage sprayed with pesticides scenario that this is indeed true.

p5.1-9 Under Impact Ll-7 How and where are people who eat pesticide-free or organic foods supposed to get their food? These individuals do not necessarily rely on this type of food strictly by choice but many are required to eat this way for if they don't the pesticide residues on foods may kill them. Many within the Canaries Coalition have doctor's prescriptions stating they must eat organic or pesticide-free food. How can you deny these individuals access to such a basic need? THIS ISSUE IS EXTREMELY SIGNIFICANT and must be addressed further. In this section it is stated that "biological control or physical controls, would not effectively lower glassy-winged sharpshooter numbers". Can you please define effectively as it is used here?

p5.1-10 Under Impact Ll-7 if you spray organic foods with pesticides now will the "at risk" population be notified that a particular product has been treated with pesticides? Will these products in all cases still be labeled as organic?

Under Impact Ll-7 with the required residue being less than 3% will monitoring be increased so that this 3% rule is not violated?

Under Impact Ll-7 how will health food stores who rely on organic foods be compensated for any increased costs to obtain organic foods due to this forced pesticide spray program on the products they sell normally as organic?

p5.1-11 Under Impact Ll-3 it states "The PDCP would benefit the agricultural industry by supporting the economic viability of the state's grape industry". This is no doubt true but what isn't included here is that it would be at the expense of human health and poisoned crops. How are you going to report the pesticides you use to the mother of a young child from a small town back east who doesn't know any better about how you poisoned her families food? If she knew what was done to the food I bet she would look elsewhere.

Under Impact Ll-8 please specifically define all "other commodities" you are protecting and under the freedom of information act provide all reported monetary donations from them as well as notes from any meetings with these organizations as well as monetary donation information chemical industry and wine grape industry?

B14-195 (cont.)

p5.2-1 Under 5.2.1 please define specifically where these areas capable of supporting the glassy-winged sharpshooter are including the total acreage in the state?

Under 5.2.1 we find it alarming that you suggest pesticide use is no widespread leaving the reader to think they are safe. Did anyone from CDFA watch the Bill Moyers specials on PBS regarding pesticides and children.

Under 5.2.1 the EIR mentions that "187 million pounds of pesticide active ingredients were reported used in California" in 2000. This statement gives the reader the impression that CDFA is bringing about the large amount of pesticide use when in fact they should be alarmed at this number. How many pounds of inert ingredients were used? Why aren't home and garden use of pesticides required by law? Since the EIR reports "94 percent of the total reported annual pesticide use in California in 2000" was from agriculture is it safe to assume that agriculture is also responsible for approximately 92% of the pesticide poisoning for the same time period?

p5.2-2 Under 5.2.1 how will the pesticide spray program if adopted deal with "risk management" of such a potentially large number of pesticide applicators? Accidents with regard to products not being followed will happen and how are you planning on addressing these? If the applications make a mistake are you concerned enough for general public health such that you would shutdown the pesticide spray program permanently?

Under 5.2.1 since the pesticides you are planning on using must all be registered can you please provide the complete breakdown of all chemicals in each pesticide including active ingredients and inert?

p5.2-3 Under 5.2.1 it states "CDFA authorizes the U.S. EPA to set tolerances or maximum legal limits, for pesticide residues in food". Have these maximum legal limits been tested on the "at risk" population and a scientific evaluation of health effects been determined? If so, please provide them in the EIR. The EIR also states the EPA requires "more than 120 studies before granting a registration for most pesticides used in food production". Can you please provide the number of these studies which were carried out on the "at risk population" and provide the results in this document?

Under 5.2.1 the document states "as part of its ongoing re-registration program, the U.S. EPA is systematically reviewing all pesticides registered before 1984, to ensure that they meet current testing and safety standards". How many of these pesticides are or will be analyzed with regard to safe exposure limits for the "at risk" population?

Under 5.2.1 the EIR states "CDFA adds an additional uncertainty factor to compensate for inevitable uncertainties in the process". So does this mean you are only considering pesticides that are safe and will not cause any adverse health effects for the "at risk" population or the healthy population for that matter? What are these safe levels for each pesticide? Also, could you please provide further information under the freedom of information act including scientific statistical data and the corresponding analysis which supports this statement? Just out of curiosity, since you don't actually know your safe starting point how can you claim you have a compensated enough to know your end point is safe? The here fact that non numbers were presented here suggest that your "uncertainty factor" is literally nothing more than a wild guess. Is this correct?

p5.2-4 Under 5.2.1 do you have pesticide monitoring data which shows how the pesticides you are proposing to use are 100% percent safe on the "at risk population"?

p5.2-4 Under 5.2.1 it states "CDPR considers the toxic properties of a chemical and estimates the amount of the chemical that could potentially cause an adverse effect". Is this based on scientific, statistically valid research for the "at risk" population?

Under 5.2.1 the EIR states "CDPR adds an additional uncertainty factor to compensate for inevitable uncertainties in the process". So does this mean you are only considering pesticides that are safe and will not cause any adverse health effects for the "at risk" population or the healthy population for that matter? What are these safe levels for each pesticide? Also, could you please provide further information under the freedom of information act including scientific statistical data and the corresponding analysis which supports this statement? Just out of curiosity, since you don't actually know your safe starting point how can you claim you have a compensated enough to know your end point is safe? The here fact that non numbers were presented here suggest that your "uncertainty factor" is literally nothing more than a wild guess. Is this correct?

p5.2-5 Under 5.2.1 it states "a proposed decision to register or dairy registration of a pesticide is reached once all review have been completed". Have all the pesticides being considered under this program been fully tested on the "at risk" population and found to be 100% safe?

Under 5.2.1 it states "pursuant to FIFC Section 12B25, CDPR may refuse to register a pesticide". Further in this paragraph it states "that when properly used, is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety". The leading authority in the world on chemical injury has cod a term of our condition that these pesticides are not safe for the health of the members of the "at risk" population. So how, why does CDFA not believe a trained medical

professional who has spent over 30 years of his career in the field of chemical injury, having seen 30,000+ patients, lectured around the world, written 4 books and dozens of articles on this subject, and is recognized as the World's Foremost Authority on this subject? Does someone have to DIE in order to get your attention?

p5.2-5 Under 5.2.1 it states "EPA collects data and analyzes the results from studies that are conducted to measure pesticides residues in the environment, characterize drift and other off-site pesticide movement". Are you saying that drift is unacceptable? If so please explain how much is permissible in distance and amount of pesticide residue.

Under 5.2.1 it goes on to state "if determined to be a toxic air contaminant, appropriate control measures are developed to reduce emissions to levels that adequately protect human health". Does this protection of human health include the "at risk" population?

Under 5.2.1 how much drift is acceptable by state law? How much by federal law?

Under 5.2.2 it states "No pesticide application may be made or continued if there is a reasonable possibility of creation of a health hazard or contamination of non-target property". Can you explain what is a "reasonable possibility", "health hazard", and non-target property as they relate to your pesticide spray program? Does this mean no drift is allowed? If so how will you guarantee drift doesn't happen?

Under 5.2.2 it states "CDPR's residue testing program is designed to monitor compliance with pesticide laws and to help ensure that pesticide levels are within the 'at-risk' tolerance levels set forth by the U.S. EPA". Certainly these levels have been calculated and vetted on the "at risk" population. Haven't they?

p5.2-7 Under 5.2.2 it states "The Pesticide Contamination Prevention Act" requires CDPR to identify pesticide active ingredients with the potential to pollute ground water based on their specific chemical and physical properties and specific uses. Does CDPR also monitor the finer ingredients in the same manner? Under a hypothetical situation if the glassy-winged sharpshooter were to be found statewide in all habitats was it capable of surviving in and thus its proposal resulted in spraying this entire acreage with pesticides can you guarantee that no pesticide ground water pollution would occur?

p5.2-7 Under 5.2.1 and the freedom of information act can you please provide all records relating to worker pesticide exposures, including results of medical evaluations for the period 1990-2002?

p5.2-8 Under 5.2.1 how would the pesticide applicators know specifically where to spray such that the wrong areas don't get sprayed including areas adjacent to proposed treatment areas? Theoretically could a person become a pesticide applicator and begin applying pesticides with only 20 hours of training?

Under 5.2.1 where would any residual pesticides be discarded after all areas are treated under the proposal? How will the public be protected against potential terrorist actions using these pesticides as "weapons of mass destruction" if they were to get into the wrong hands?

p5.2-9 Under 5.2.1 it states "CDPR enforces state and federal regulations that govern the safe and proper use of pesticides". Since the Social Security Administration and Housing and Urban Development, which are both federal programs recognize multiple chemical sensitivities (mcs) as a disabling illness and these programs understand that pesticide poisoning has been responsible for many of the mcs cases is it fair to assume then that CDPR, the state of California, and the Federal Government have determined what the safe pesticide dose for all pesticides including those being proposed in the EIR is for individuals with mcs such that if exposed to this maximum dose no medical harm either short-term or long-term occurs?

p5.2-10 Under 5.2.2 this would create a SIGNIFICANT HAZARD to the at risk public when the proposed pesticides are used on or adjacent to their private property with the serious threat of contaminating their homes as well via holes in walls, open windows and front traffic by tracking in pesticide residues into the only safe environment these individuals care survive in.

Based on the long half-lives of these pesticides, up to 6-25 years to breakdown, and the potential health risks of the unknown inert ingredients which may make up to 30% of the pesticide products in the "at risk" population this pesticide spray program if adopted WILL CREATE SIGNIFICANT HAZARDS to the public if they are used on or near the residences of the "at risk" group.

Under 5.2.3 it states "Under the rapid response elements of the proposed PDCP, when new infestations are found in non-agricultural areas, county agricultural commissioners may contract with licensed pesticide applicators to treat the areas". How will the safety of the public be protected when their is such great potential for miscommunication with contractors who

B14-217 (cont.)

are potentially not use to working within the CDPR buildings? How much time would be given to the landowner prior to treatment? For "at risk" individuals enough time must be given so they can have their belongings moved to the safe housing developed by CDPR so that these belongings don't become contaminated with pesticide residues. How would you ensure that people don't walk thru the pesticide sprayed areas so they don't become contaminated and worse yet track the pesticide residues into houses?

B14-218

Under 5.2.3 the EIR mentions the pesticides which have been used under the rapid response program on non-agricultural lands. Have these pesticides been fully tested to determine if they are safe from a health standpoint for the "at risk" population? The EIR goes on to state "these pesticides would continue in the proposed PDCP"; however, as new information about the effectiveness of different pesticides against the glassy-winged sharpshooter becomes available, other registered pesticides may also be used. By law, use of these materials must comply with all pesticide regulatory requirements, including satisfactory toxicity evaluations with reasonable assurance of no harm when applied according to label directions". Can you please provide the freedom of information act studies which show that all possible pesticides which could potentially be used for the PDCP program have been tested on the "at risk" population and have been found to produce no adverse health effects either short-term or long-term?

B14-219

Under 5.2.3 it states "a result of pesticide application for the PDCP, people in non-agricultural areas could potentially come into contact with residues through skin contact, inhalation, or through ingestion of treated materials". Are you admitting that this could happen? With that in mind how do you respond to medically licensed doctors who say that exposure to these pesticides for the "at risk" population pose serious health risks, possibly death? Do you not care about these people? THIS IS CLEARLY A SIGNIFICANT IMPACT AND MUST BE MITIGATED. Please see the discussion on providing safe housing for a mitigation measure. It states "the registration program, use restrictions, and monitoring would ensure that pesticides are applied with a reasonable certainty of no harm to human health or the environment". Can you please explain how the health of the "at risk" population would be protected from these pesticides which have not received full product testing on the "at risk" population? Therefore this is clearly a SIGNIFICANT IMPACT.

B14-220

Under Impact Haz-1 it states "Application in non-agricultural areas would only be conducted by professional applicators, who can readily monitor and limit spray drift". How can this guarantee no human injury will occur to the general public or the "at risk population"? YOU CAN'T AND THEREFORE THIS IS A SIGNIFICANT IMPACT AND MUST BE MITIGATED.

B14-221

p5.2-13 Under Impact Haz-1 it states "The EPA and CDPR consider whether the potential exposure of people to pesticide residues is likely to result in significant adverse health risks when evaluating a pesticide proposed for registration". So does this mean the active and inert ingredients for all the pesticides which have any potential for being used under this program have received complete testing using scientific, statistically valid studies which show no short-term or long-term harm to the "at risk" population? If this isn't the case then this is a SIGNIFICANT IMPACT AND MUST BE MITIGATED.

B14-222

Under Impact Haz-1 please define "less than toxic amounts as it relates to the "at risk" population"?

B14-223

p5.2-13 Under Impact Haz-2 and later the FREEDOM OF INFORMATION ACT plasma provides a map of all areas of the state where aerial spraying would be allowed with enough detail so an individual can determine how close the aerial spraying would be to their home.

B14-224

p5.2-15 Under Impact Haz-3 as members of the "at-risk" population we are shocked at the language used under this section and the predators willingness to openly discriminate against us. MULTIPLE CHEMICAL SENSITIVITY (MCS) is a MEDICAL CONDITION WHICH IS ACCEPTED BY HHS AND SOCIAL SECURITY AS WELL AS OTHER FEDERAL AGENCIES. THE WORDS YOU HAVE CHOSEN TO USE ON THIS PAGE ARE CLEARLY DISCRIMINATORY IN NATURE AND VIOLATE THE RIGHTS OF THE DISABLED. MANY OF THESE INDIVIDUALS HAVE IDENTIFIED A DIRECT ASSOCIATION TO THE ONSET OF THEIR CONDITION TO PESTICIDE EXPOSURE(S). HOWEVER, UNLIKE THE PERIBARS OF THIS DOCUMENT AND THE CHEMICAL INDUSTRY THEY RECOGNIZE WHAT CAUSED THEIR ILLNESS. YOU SHOULD BE ASHAMED AT WHAT YOU HAVE WRITTEN IN THIS PART OF THE DOCUMENT. IF YOU ARE A HONORABLE AT ALL YOU WOULD HAVE CONTACTED THE DOCTORS OF THE "AT RISK" POPULATION

B14-225

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B14-226

A - 5 -

WHO SPECIALIZE IN CHEMICAL INJURY SINCE IT IS QUITE CLEAR WHOEVER PROVIDED THE MEDICAL PORTION OF THIS SECTION IS COMPLETELY INCOMPETENT WHEN IT COMES TO THE TOPIC OF CHEMICAL INJURY AND HUMANS. THE MOST IMPORTANT THING YOU CAN DO AT THIS POINT IS TO TALK TO EXPERTS IN THE FIELD OF CHEMICAL INJURY. PLEASE GIVE US A CONTACT IN WRITING AND WE WILL PROVIDE THEM WITH NAMES/OF PHYSICIANS THEY CAN CONTACT UNTIL YOU CONSULT WITH THE EXPERTS IN THIS FIELD. YOU SHOULD NOT MAKE ANY CLAIMS ABOUT THE EFFECTS OF THESE PESTICIDES ON THESE INDIVIDUALS. LICENSED MEDICAL PHYSICIANS SPECIALIZING IN TOXIC ENCEPHALOPATHY HAVE ADVISED THEIR PATIENTS TO AVOID PESTICIDES AND THEIR RESIDUES. YOU SIMPLY STATE THAT THEY WILL BE HOME IN 2 HOURS AND ALL WILL BE SAFE WHEN IN FACT THE VERY RESIDUES THESE DOCTORS ARE REFERRING TO CAN LAST FOR MONTHS OR YEARS. THEY WOULD FIND THEIR WAY INTO THEIR HOUSES THROUGH CRACKS AND VENTS AND WOULD ALSO BE TRACKED IN ON SHOES. SINCE A SMALL AMOUNT OF THESE PESTICIDES CAN RESULT IN SERIOUS INJURY OR DEATH AND YOU ARE NOT WILLING TO EVEN ADDRESS THE ACTUAL SCIENTIFIC STATISTIC DATA WHICH HAS NEVER ANALYZED THE "AT RISK" POPULATION FOR THESE PESTICIDES. THE SECTION WHICH STATES "THE ISSUE IS NOT TOXICITY" IS AN OUTRIGHT LIE!! YOUR STATEMENT OF "THE REACTIVITY OF THIS GROUP CANNOT BE OBJECTIVELY EVALUATED BECAUSE THERE ARE NO OBJECTIVE CRITERIA TO APPLY TO EVALUATE INDIVIDUAL AGENTS OR TO HARM MEMBERS OF THE "AT RISK" POPULATION IF USED. YOU SIMPLY DONT WANT TO FACE THE FACTS WHEN IT COMES TO THE POTENTIAL TO CAUSE HARM AND INSTEAD COP OUT BY SAYING THAT SINCE WE CANT EVALUATE THIS GROUP, THESE PESTICIDES WONT HURT THEM. SO THE ONLY WAY AROUND THIS IS TO EITHER NOT USE THESE PESTICIDES OR NEAR THE "AT RISK" POPULATION'S PROPERTY OR FIND A CONTROLLED ENVIRONMENT AND EXPOSE US TO THE MAXIMUM SAFE LEVEL OF RISK. POPULATION'S BREAKDOWN. THIS IS NOT ABOUT AVOIDING APPLICATION AREAS BECAUSE THEY WISH, RATHER IT IS A GROUND-BREAKING SCIENTIFIC RESEARCH PROJECT! BUT FIRST YOU MUST UNDERSTAND THAT IF WE AGE IN ANYWAY HARMED IN THE SHORT-TERM OR LONG-TERM BY THIS EXPOSURE, WE WILL HOLD YOU FULLY LIABLE. IF THE GROUP IS NOT A POPULATION NO GOOD AS TO "AVOID FOR THIS GROUP WILL MEAN THEY WILL BE HOMELESS FOR MONTHS YEARS WHILE THE PESTICIDES BREAKDOWN. THIS IS NOT ABOUT AVOIDING APPLICATION AREAS BECAUSE THEY WISH, RATHER IT IS A LIFE AND DEATH SITUATION FOR MANY OF THE "AT RISK" POPULATION. WE HAVE ONE OF TWO CHOICES. WE STAY AND GET POISONED BY FOLLOWING THE Poor DOCUMENT, WHICH WILL RESULT IN EITHER FURTHER HEALTH PROBLEMS OR DEATH OR WE LEAVE AND UNDER YOUR CURRENT PLAN WE BECOME HOMELESS. THAT IS WHY YOU MUST NOT SPRAY ANYWHERE NEAR WHERE THE "AT RISK" POPULATION LIVES FOR IF YOU DO, WE WILL HOLD YOU COMPLETELY ACCOUNTABLE FOR THE MURDERS AND HEALTH DAMAGE YOU WILL BEHOLDING COMMITTING. IF YOU ARE GOING TO SPRAY, WE WANT TO BE PROVIDED WITH A LARGE TRACT OF LAND AND SAFE HOUSING IN EXCHANGE FOR THE SAFER HABITAT WE CURRENTLY OWN SUCH THAT WE CAN LIVE WITHOUT YOUR THREATS OF SPREADING TOXIC PESTICIDES, ALSO KNOWN AS "CHEMICALS OF MASS DESTRUCTION". IMPACT HAZ-2 IS THEREFORE HIGHLY SIGNIFICANT AND MITIGATION MUST OCCUR!!!!!!

PS 2-20 UNDER IMPACT HAZ-2, YOU STATE "WHEN A PROPOSED PESTICIDE IS EVALUATED, COR ADDS AN ADDITIONAL UNCERTAINTY FACTOR TO COMPENSATE FOR INHERENT UNPREDICTABILITY IN THE PROCESS. THE UNCERTAINTY FACTOR TAKES INTO ACCOUNT THE VARIABILITY IN SUSCEPTIBILITY WITHIN POPULATIONS. FOR THESE REASONS, THE POTENTIAL HAZARD TO FRAGILE POPULATIONS IS CONSIDERED LESS THAN SIGNIFICANT." PLEASE TELL US HOW THIS IS CONSIDERED GOOD SCIENCE? IS GOOD SCIENCE NOT BASED ON SCIENTIFIC THEORY AND STUDIES USING RANDOM SAMPLES TO TEST HYPOTHESES WITH STATISTICAL THEORY AND ANALYSIS AS THE CORNERSTONE TO GOOD RESEARCH, WHICH WHEN DESIGNED PROPERLY REFLECT THE VARIABILITY IN THE ACTUAL POPULATION? WE KNOW THAT THE PESTICIDES YOU ARE CONSIDERING USING FOR PIERCE'S DISEASE HAVE NOT BEEN FULLY TESTED, INCLUDING STUDIES ON THE ACTIVE AND INERT INGREDIENTS AND ANY SYNERGISTIC EFFECTS BETWEEN THEM. ON THE GENERAL POPULATION, NOR HAVE THEY BEEN TESTED ON THE "AT RISK" POPULATION. STATISTICALLY THIS MEANS THE SCIENCE ON WHICH YOU BASED YOUR CORNERSTONE STATEMENT THAT IT WONT HURT MEMBERS OF THE FRAGILE POPULATION IS COMPLETELY INVALID TO BEGIN WITH AS YOU HAVENT EVEN INCLUDED THE "AT RISK" POPULATION IN ANY SCIENTIFIC STUDIES WITH REGARD TO THESE PESTICIDES AND THEREFORE IT IS COMPLETELY INAPPROPRIATE TO SAY THE RESULTS FROM THE STUDY APPLY TO THE "AT RISK" POPULATION". A GOOD SCIENTIFIC RESEARCHER WOULD LIKELY VIEW THE "AT RISK" POPULATION AS JUST THAT, ANOTHER POPULATION LIKELY HAVING STATISTICALLY SIGNIFICANT DIFFERENCES FROM THE GENERAL POPULATION. ON THESE GROUNDS WE FORMALLY REQUIRE THAT THIS ISSUE BE FOUND TO HAVE SIGNIFICANT IMPACTS AND THEREFORE MITIGATION MEASURES MUST BE UNDERTAKEN. STATISTICIANS HAVE A SAYING FOR THIS TYPE OF ANALYSIS WHERE YOU START WITH BAD OR NO STATISTICALLY RELIABLE DATA, IT'S CALLED GIGO, GARbage IN GARbage OUT. INSTEAD OF BASING YOUR PESTICIDE SPRAY PROGRAM ON SCIENTIFICALLY AND STATISTICALLY VALID STUDIES USING DATA WHICH INCLUDES THE "AT RISK" POPULATION, YOU ARE INSTEAD CHOOSING TO USE OTHER SIGNIFICANT STATISTICS TO MISLEAD THE PUBLIC WHICH THE GREAT STATISTICIAN, DONALD SONGSON, ONCE CALLED "STATISTICAL SIGNIFICANCE WITH PRACTICAL NON-IMPORTANCE". IT IS LIKE SHOWING A CORRELATION BETWEEN THE NUMBER OF CARS IN IOWA OVER TIME AND THE NUMBER OF PEPSI CONSUMED IN CALIFORNIA OVER THE SAME PERIOD OF TIME. A SIGNIFICANT STATISTICAL POSITIVE RELATIONSHIP MAY SEEM TO EXIST BUT

B14-235
(cont.)

IN REALITY IT DOES NOT AND THE CORRELATION OF THESE TWO IS NOT IMPORTANT OR RELATED. IMPACT HAZ-2 IS EXTREMELY SIGNIFICANT AND MUST WITHOUT A QUESTION BE RE-EVALUATED AND APPROPRIATE MITIGATION MEASURES INCLUDED.

B14-236

PS 3.1 Under 5.3.1 how many acres of the state of California could be statistically treated with pesticides under this program?
Please respond under the freedom of information act. Also, if you spray what areas in the state how can we realistically guarantee that water supplies, streams, rivers, lakes, and ponds will not be contaminated? This is highly significant and should be re-analyzed as such including appropriate mitigation measures.

B14-233
(cont.)

B14-234

B14-235

p5.3 Under 5.3.1 it states "the Pesticide Contamination Prevention Act requires CDPR to identify pesticide active ingredients having the potential to pollute ground water based on their specific chemical and physical properties and specific uses". Do you also consider the same impacts for the inert ingredients and how they synergistically react with the corresponding active ingredients for these pesticides?

B14-237
Under 5.4.3 it states "all pesticide applications must be in compliance with federal and state laws and regulations... Pursuant to FAC section 12825, CDPR may refuse to register any pesticide... (d) that, when properly used, is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety". Licensed medical physicians are telling members of the Canaries Coalition that these pesticides are not safe for them as members of the "at risk" population and that they should not be exposed to them or their residues. Therefore, these pesticides should not only be banned from use in the GWSSE Project's Disease Program but they should be banned from use period unless proper testing shows them to be safe. If that is found to be true for the general population and the "at risk" population than the pesticides should be allowed to be used but not until then.

B14-238
Under Impact WQ-1 it states "The active ingredients of the pesticide to be used for the control of the glassy-winged sharpshooter can reach surface water after rainfall or as a result of spray drift". One question for you, is spray drift allowed day to day around areas that the "at risk" population who must venture outside of their homes to take care of given equal safe access to things like travel routes and public places including parks.

B14-239
Under Impact WQ-1 how will CDFA handle areas around ponds adjacent to vegetation they are proposing to spray in order to insure no drift enters those ponds?

B14-240
Under Impact WQ-1 it states "Under the proposed PDCP, only pesticides registered by the U.S. EPA and CDRP (CalEPA) would be used by county agricultural commissioners and growers implementing PDCP program requirements. For all program elements, pesticides would be applied by a licensed applicator according to label requirements". Have these been tested on the "at risk" population and found to be safe from a health effects standpoint?

B14-241
Under Impact WQ-2, how would potential poisoning of domestic pets who drink water from ponds containing pesticides be handled? How will you minimize this significant risk and how would you compensate owners when they determine you killed their pet(s)?

B14-242
Under Impact WQ-2 it states, "pesticide label requirements specifically prohibit applicators from allowing application or drift over water bodies". Can you define water bodies? Many members of the Canaries Coalition know individuals and groups of individuals poisoned by aerial pesticide spraying in what were identified as "safe areas", including but not limited to residential subdivisions. With this in mind how will you guarantee to all the citizens of California that this will not happen AT ALL UNDER THIS PROPOSED PESTICIDE SPRAY PROGRAM? We know you will try and address this by saying there is a reasonable assurance that no one will ever be exposed, but what happens if you are the one that actually dies and either dies or develops toxic encephalopathy. The point we are making here is that only then would it become an issue to you and we must not wait for that to happen, this issue is a SIGNIFICANT ISSUE and MUST be mitigation before you or someone the Canaries Coalition cares about gets injured or killed by an aerially spraying pesticide accident.

B14-243
Under Impact WQ-2 can you please state if any ground water became contaminated with pesticides during the insect, fly spray program?

B14-244
Under Impact WQ-2 will the applicators be reading these pesticide labels before "every" application?

B14-245
p5.4-1 Under Impact 5.4.1 it states "The Mediterranean climate and varied topography of California have resulted in a tremendous diversity of plant and animal species in the state". Please provide under the freedom of information act results of all scientific studies for all animals and plants which occur in California that have had full product scientific testing done using the pesticides you are proposing under this document. If no such studies have been done would you please state this in the document.

B14-246
p5.4-3 Under 5.4.1 it states "if a project will take species that are state-listed threatened or endangered, it will require an incidental take permit from CDFG". What form is required for the "take" of an "at risk" human? With white-spotted pesticide spraying possible, how can you protect threatened, endangered, and sensitive species of birds? How will you keep them away from sprayed areas until it is truly safe?

B14-247
p5.4-4 Under 5.4.3 what does "or to the soil immediately below trees and shrubs" mean?

B14-248
p5.4-5 Under 5.4.3 it states "detection and delineation efforts would provide information on the location and severity of new glassy-winged sharpshooter infestations so that pesticide application can be targeted where they would be needed". So what does this mean as far as pesticide application in and around the area? How big of an area would be sprayed?

B14-249
Under 5.4.3 it states "it is likely that the use of these particular pesticides would continue for non-agricultural areas under the proposed PDCP". How long are you proposing they will continue?

B14-250
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Dan Wilson
Diane Wilson
Diane Wilson

B14-251
Under 5.4.3 it states "all pesticide applications must be in compliance with federal and state laws and regulations... Pursuant to FAC section 12825, CDPR may refuse to register any pesticide... (d) that, when properly used, is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety". Licensed medical physicians are telling members of the Canaries Coalition that these pesticides are not safe for them as members of the "at risk" population and that they should not be exposed to them or their residues. Therefore, these pesticides should not only be banned from use in the GWSSE Project's Disease Program but they should be banned from use period unless proper testing shows them to be safe. If that is found to be true for the general population and the "at risk" population than the pesticides should be allowed to be used but not until then.

B14-252
Under the Freedom of Information Act, please provide detailed maps showing all potential areas in California where aerial spraying could take place under this document at a detailed enough scale such that it a person living nearby these areas could tell the geographic boundaries of where the sprayed pesticides would land.

B14-253
Under Impact Bio-1 it states "the use of pesticides by private growers to control the glassy-winged sharpshooter on their own accord is covered under the CDFA pesticide regulators program and is not subject to analysis in this EIR". Why is this not covered as this is a cumulative effect that you are not considering and should be looked into further.

B14-254
Under the Freedom of Information Act, please provide a list of all pesticide applicators who would be applying the proposed pesticides by county for all of California.

B14-255
Under 5.4.3 how would "weather" influence pesticide application?

B14-256
Under 5.4.3 it states "CDFA has established communication procedures with resource agencies that provide the earliest possible notice to these agencies prior to implementation of control and eradication programs for non-native pest outbreaks". What about people on the "Sensitive Registry", how and when will they be notified? How much time will they be given as far as advanced warning prior to any spraying of pesticides?

B14-257
Under Impact Bio-1 it states "pesticide treatments in non-agricultural areas could affect special biological resources, restricting or limiting treatment in these areas is an option". Why isn't this also done for the "at risk" population?

B14-258
Under Impact Bio-1 it states "pesticide treatments in non-agricultural areas would not adversely affect any special-status species". It appears you forgot to consider the "at risk" human species.

B14-259
Under Impact Bio-3 it states "other beneficial or desirable species may also suffer temporary population reductions". Please define the use of temporary in terms of days, months, or years?

B14-260
Under Impact Bio-2 you failed to do a proper cumulative effects analysis with regard to insect populations for repeated pesticide spraying and the synergistic effects of using two or more pesticides in the same area over time based on residues from each present taking into account their corresponding half-lives. Would you please provide studies which support your position on this?

B14-261
Under Impact Bio-4 how would citizens be reimbursed financially for any vegetation which is removed?

B14-262
Under Impact Bio-5 we feel research in this area needs to be made a much higher priority and more money provided to spend this up so that pesticides won't be necessary to combat Pierce's Disease.

B14-263
Under Impact Bio-5 why haven't scientists been able to continuously mass rear glassy-winged sharpshooter natural enemies?

**LETTER B14: LINDA J. McELVER AND DAVE WILSON,
CANARIES FOUNDATION, INC.**

B14-1	See Master Response 8.	B14-6	See response to comment B14-3. The letter sent to Ms. McElver by Michael Krug, Senior Staff Counsel, CDFA dated May 14, 2002 did not state that letters or materials sent in after the close of the comment period would be included in the Final EIR. The intent of the letter was to provide information to Ms. McElver concerning the requirements of CEQA Guidelines 15088 and 15207, which state that agencies may, but are not required to, respond to late submitted comments. The letter was straightforward and did not intend to deceive.
B14-2	The referenced letter has been included in this document as Letter B4.		
B14-3	In Sections 15088 and 15207, the CEQA guidelines state that agencies may, but are not required to, respond to late submitted comments. Ms. McElver was notified in a letter from Michael Krug, Senior Staff Counsel, CDFA dated May 14, 2002 that CDFA may, at its discretion, provide written responses to comments received after the close of the comment period. Comments that are submitted after close of the period will be made part of the record and will be considered by program decision makers. See Master Response 4.	B14-7	See Master Responses 1, 2, 3 and 8.
B14-4	The commenter's personal experience is noted. See Master Responses 2 and 3. The Draft EIR does not imply any chemical is without hazard potential. What is stated is that hazardous materials may be used safely. CEQA does not mandate zero risk. Zero risk is not attainable as discussed in the Draft EIR. See Appendix P of the Draft EIR.	B14-9	See Master Responses 2 and 3. Nowhere in the Draft EIR is there any suggestion that any group or individual is "insignificant" or that suffering and death for the sake of economic interests is "acceptable." The existence of different viewpoints within the medical arena as to whether or not trivial amounts of chemicals are responsible for significant symptoms reported by some individuals is recognized. The prevailing medical consensus is that there is no objective evidence to support a toxic or immunologic mechanism for the complaints. It is recognized that a minority of individuals feel otherwise.
B14-5	See Master Responses 1, 2 and 3. Studies and evaluations required by pesticide regulatory agencies before a pesticide product is registered are not subject to PDCP influence. As a rule, laboratory studies are conducted with animal models that reflect potential human responses rather than testing on humans. These procedures have proven reliable the vast majority of the time, and are the foundation of evaluation before human exposure is permitted. Post registration monitoring provides additional information as use experience is gained. Uncertainty factors are added to exposure limits to provide a gap or margin of exposure that will be less than demonstrated toxic threshold amounts. Also see response to comment B14-4.	B14-10	See Master Responses 2 and 3. A discussion of worker health and safety is provided in Chapter 5.2 of the Draft EIR. This comment concerns legal restraints and definitions. The state has determined that harboring agricultural pests constitutes a public nuisance, and has required action by the CDFA and the counties to abate such nuisances. The PDCP is CDFA's program to comply with existing legal mandates and requirements. This matter is addressed in Section 4.3 of the Draft

EIR. For example, an individual is not allowed to harbor a nuisance or threat to others, such as keeping a vicious animal that may harm others. Laws require abatement of such circumstances. Evacuation by individuals who feel they must avoid all chemical exposure is not a proven medical necessity, although some medical practitioners may recommend it. For this reason the PDCP has incorporated notification procedures to allow those who desire to leave a treatment area an opportunity to do so.

B14-11 See Master Responses 3, 7 and 10. The potential disruption of organic farming is discussed on page 5.1-9 of the Draft EIR.

B14-12 See Master Response 8.

B14-13 The federal cooperative agreement established between CDFA and USDA indicated which activities the funding would support. These included survey and detection activities, but not pesticide treatment activities. That is why the state program does not use federal funds for pesticide treatments in urban and suburban residential areas. As indicated in the Draft EIR, federal funding is available to support survey and research activities related to Pierce's disease and the glassy-winged sharpshooter. See pages 4-38 through 4-40 and page 8-6 of the Draft EIR for more information on federal funding and activities. Additional information on federal involvement and activities is also available in the environmental assessment prepared by the USDA titled "Glassy Winged Sharpshooter Area Wide Management Program, Kern County, California," dated February 2002.

B14-14 See Master Responses 1 and 2. As stated in Appendix P of the Draft EIR, the U.S. EPA standard calls for a "reasonable certainty of no harm." Risk cannot be reduced to zero. By way of example,

safeguards are imposed to allow people to access and use gasoline, a very hazardous material. This does not mean that careful adherence to prescribed precautions will eliminate all risk. There is no simple or comprehensive way to identify every hazard that may exist, or to list what risk or degree of risk may be considered acceptable versus unacceptable.

B14-15 See Master Responses 2 and 3. The issue is acknowledged in the Draft EIR, as is the existence of different viewpoints regarding the validity of "multiple chemical sensitivity." The issue of involuntary exposure should an infestation be discovered on private property and treatment be required is discussed in the Draft EIR.

B14-16 See Master Responses 3 and 10. The temporary disturbance of occupants in non-agricultural areas during pesticide treatments is discussed on page 5.1-5 of the Draft EIR. Residents and other site occupants would be notified prior to application of pesticides, and would be advised to avoid treated areas until re-entry conditions are met (typically two hours).

B14-17 See Master Responses 2 and 3. As presented in the Draft EIR, proof of non-existence cannot be achieved. Individuals are referred to their personal health care provider for their health care needs.

B14-18 See Master Response 7 and response to comment B14-146.

B14-19 See Master Response 8.

B14-20 See Master Responses 2 and 3, and response to comments B14-4 and B14-5. Individuals are referred to their personal health care provider for their health care needs. Speculation as to what is "unknown" is

B14-28	Sevin is the trade name of a pesticide product in which carbaryl is the active ingredient. As stated on page 4-27 of the Draft EIR, materials that have been used under the emergency program include carbaryl (Sevin [“7”]®) and cyfluthrin (Tempo®) as foliar sprays (i.e., material sprayed on plant foliage), and imidacloprid (Merit®) as a foliar spray or applied as a soil drench or soil injection (the trade name of the pesticide product used in the emergency program is in parentheses following the name of the active ingredient.)	These pesticides would most likely continue to be used as the primary pesticides for the rapid response program. However, other registered pesticides may be applied under the direction of county agricultural commissioners if information suggests an advantage exists or other benefit (e.g., reduced risk). General information about Sevin (“7”)®, Tempo®, and Merit®, including the U.S. EPA registration number, dosage, and use restrictions as directed by the product label is provided in Tables 4-2, 4-3, 4-4 and 4-5 of the Draft EIR. Product labels are provided in Appendix M, and an evaluation of the active ingredients in these products is provided in Appendix P.	
B14-21	The Public Records Act request has been addressed by CDFA’s Legal Office. See Master Response 9. No individual questions directed to the PDCP were referred to private industry for response.		
B14-22	See Master Response 2 and response to comment B14-9. This is a challenge to the veracity and reliability of pesticide product testing. The PDCP does not regulate or have authority over pesticide product testing. The program has relied on pesticide product assessments conducted by expert regulatory agencies such as the U.S. EPA and CDPD for information regarding hazard potentials that may be relevant to the program’s evaluation of possible environmental impacts specific to the use of pesticides in the program.		
B14-23	See Master Response 3.		
B14-24	See Master Responses 2 and 3 and response to comment B14-9.		
B14-25	See Master Responses 2 and 6. As noted in the Draft EIR, non occurrence cannot be proven. CDFA is not aware of data that establish an association between pesticides as used in the program and organ damage in exposed persons.	Additional materials to control the glassy-winged sharpshooter or Pierce’s disease, if any become available, may be selected for use in the PDCP as new information about effectiveness emerges from ongoing research and evaluations. By law, the use of these materials would have to comply with all regulatory requirements, including satisfactory toxicity evaluations with reasonable certainty of no harm under proposed use conditions.	
B14-26	The concept of multiple chemical sensitivity is examined in Appendix P of the Draft EIR. It is outside the scope of the PDCP to investigate U.S. EPA experience with respect to illnesses reported to that agency, as is the issue of pesticide inert ingredients. See Master Response 2.	See Master Responses 2 and 3. The PDCP is not aware of the premise that U.S. EPA or other health agencies assert such impossibility.	
B14-27	See Master Response 2. Diesel particulates are the result of internal combustion of diesel fuel.		4-III

B14-30	See Master Responses 7 and 8. The commenter's questions are not about the Draft EIR or the sufficiency of the document in identifying and analyzing the potential environmental impacts of the PDCP. However, it should be noted that answers to many of the commenter's questions about Pierce's disease and control methods are provided in the Draft EIR. Chapter 3 provides information about Pierce's disease and other plant diseases caused by the bacterium, <i>Xylella fastidiosa</i> , and the glassy-winged sharpshooter and other vectors of the bacterium.	B14-32	See Master Response 8. The Legislature specifically required that CDFA and the counties develop a program and individual county workplans to reduce the impacts of Pierce's disease and its vectors.
	Chapter 8 of the Draft EIR describes methods for controlling the spread of <i>Xylella fastidiosa</i> and its vector, the glassy-winged sharpshooter. Each method is discussed along with an evaluation of its possible effectiveness, strengths, and weaknesses and the potential environmental impacts of its use. An analysis of the potential impacts of the glassy-winged sharpshooter in California, including crop losses and/or damage, is included in Appendix B of the Draft EIR.	B14-33	See Master Response 3. Individuals are referred to their personal health care provider for their health care needs. Speculation as to what is "unknown" is conjectural. The standard of the U.S. EPA pesticide policy is stated to be "reasonable certainty of no harm."
		B14-34	Chapter 3 provides a description of the ramifications of glassy-winged sharpshooter spread throughout the state. An analysis of the effectiveness of vine management practices at controlling the spread of <i>Xylella fastidiosa</i> , including pruning infected vines, is provided in Chapter 8 of the Draft EIR. As stated on page 8-5, there are no data to support the effectiveness of this method and it failed to help stem the Pierce's disease problem in southern California last century (Pierce, 1892).
		B14-35	See Master Response 8. The potential environmental effects of the long-term proposed PDCP is evaluated in the Draft EIR, consistent with the requirements of CEQA.
		B14-36	See Master Response 2.
		B14-37	See Master Response 8.
		B14-38	See Master Responses 2 and 3.
		B14-39	See Master Responses 3 and 9.

B14-40	The comment omits qualifications to use restrictions, and exaggerates the character of pesticide application for the PDCP. Food crop residue tolerances may exist for a pesticide on some crops, but not for others. This does not signify a material is not “suitable” for food crop use.		incidence. The glassy-winged sharpshooter could potentially transport <i>Xylella fastidiosa</i> to host plants throughout the state, essentially making all areas reservoirs for Pierce’s disease.
B14-45	It may be due to the product sponsor not applying for use on a crop because the cost to get approval would exceed the potential market, or the target pest is not present on the crop. Application of pesticides for the PDCP is designed, as described in the EIR, to minimize impacts on non-target species. The statement regarding treatment of individual properties was contingent on glassy-winged sharpshooters being found on or near the properties, and host plants being on the properties. See Master Response 3.		See Master Responses 2, 3, and 4. Studies and evaluations required by pesticide regulatory agencies before a pesticide product is registered are not subject to PDCP influence. As a rule, laboratory studies are conducted with animal models that reflect potential human responses rather than testing on humans. These procedures have proven reliable the vast majority of the time, and are the foundation of evaluation before human exposure is permitted. Post registration monitoring provides additional information as use experience is gained. Uncertainty factors are added to exposure limits to provide a gap or margin of exposure that will be less than demonstrated toxic threshold amounts. See Appendix P of the Draft EIR.
B14-46			As stated on page 4-5 of the Draft EIR, pursuant to California law, CDFA is responsible for protecting the state’s agriculture and environment from non-native pests. Existing law requires CDFA to protect and promote the state’s agriculture (Food and Agricultural Code [FAC] Section 401). CDFA is obligated to prevent the introduction and spread of injurious insect and animal pests, plant diseases, and noxious weeds (FAC Section 403).
B14-47	See Master Response 3.		The CEQA citation the commenter is referring to has been taken out of context. CDFA has met the CEQA requirements for notification and distribution of the Draft EIR. See Master Response 4.
B14-48	See Master Response 6.		See Master Response 1.
B14-49	See Master Response 3.		The phrase “acceptable risk population” is not one introduced by the PDCP, U.S. EPA, or the CDPR. Since risk cannot

B14-55	be reduced to zero, pesticide regulatory agencies have established a standard of “reasonable certainty of no harm” as presented in Appendix P of the Draft EIR. There is no population for whom harm is accepted. While some individuals or groups may disagree with the conclusions of these agencies as to what the “risk” of harm may be, there is no “acceptable risk population.”	See Master Response 2. The articles presented by the commenter are general and do not examine pesticide use specific to the PDCP. Pesticide regulatory agencies are responsible for determining whether available studies are adequate to permit use, and prescribe limits and precautions. Products containing the same active ingredients as those used in the emergency PDCP are available for use by the general public.
B14-50	See Master Response 2.	See Master Response 2.
B14-51	See Master Responses 2 and 3. The questions posed assume premises that are not necessarily valid. There is no suggestion that children, as a rule, are more tolerant of pesticides than other individuals. Appendix P of the Draft EIR discusses reasons children are more likely to receive toxic amounts of chemicals in general, due to age related behaviors. It also notes that, based on immature or developing biological and enzyme systems, children may be more or less susceptible to some reactions than mature individuals on a compound-specific basis.	See Master Responses 2 and 3. The questions posed assume premises that are not necessarily valid. There is no suggestion that children, as a rule, are more tolerant of pesticides than other individuals. Appendix P of the Draft EIR discusses reasons children are more likely to receive toxic amounts of chemicals in general, due to age related behaviors. It also notes that, based on immature or developing biological and enzyme systems, children may be more or less susceptible to some reactions than mature individuals on a compound-specific basis.
B14-52	See Master Responses 2 and 6.	See Master Responses 2 and 6.
B14-53	See Master Response 2.	See Master Response 2.
B14-54	See Master Responses 2, 6 and 11. It would be conjectural to discuss unknown risks. The specific characteristics of pesticide application as incorporated into the PDCP involve limited use, both as to amount and frequency. Not every potential toxicological hazard or risk presents itself in the program. An EIR is not a risk assessment, but an evaluation of foreseeable environmental impacts of a proposed program or project. When significant adverse environmental impacts are involved, mitigation measures to lessen them are sought. The Draft EIR provides a discussion of potential impacts specific to the program.	See Master Responses 2, 6 and 11. It would be conjectural to discuss unknown risks. The specific characteristics of pesticide application as incorporated into the PDCP involve limited use, both as to amount and frequency. Not every potential toxicological hazard or risk presents itself in the program. An EIR is not a risk assessment, but an evaluation of foreseeable environmental impacts of a proposed program or project. When significant adverse environmental impacts are involved, mitigation measures to lessen them are sought. The Draft EIR provides a discussion of potential impacts specific to the program.
B14-57	See Master Response 7.	See Master Response 7.
B14-58	This is a reference list for citations used in comment letter B14. Comment noted.	This is a reference list for citations used in comment letter B14. Comment noted.
B14-59	See Master Response 2. Effects of formulation ingredients are known and are frequently the reason for their use in the product. Pesticide regulatory agencies consider this when evaluating individual products with the same active ingredient(s). The PDCP uses only materials	See Master Response 2. Effects of formulation ingredients are known and are frequently the reason for their use in the product. Pesticide regulatory agencies consider this when evaluating individual products with the same active ingredient(s). The PDCP uses only materials

evaluated and approved for the specific use by the U.S. EPA and CDPR. Pesticide regulatory agencies are responsible for providing product evaluations prior to releasing them to the public.

tests for toxicity are conducted in laboratory animals. No medical conditions are described or identified in which a person's system would not break down carbaryl as it is known to occur.

B14-60	See Master Response 2 and response to comment B14-4.	
B14-61	As indicated in the Draft EIR, pretreatment notification of occupants of properties to be treated, as well as of adjacent properties, would be conducted in non-agricultural areas prior to treatment. This notification would include a product label and a telephone number for further assistance. For more information, see pages 4-14, 4-35, A-7, A-12, and G-6 of the Draft EIR. The symptoms of pesticide poisoning are not diagnostic because the same symptoms are associated with many common illnesses. For this reason, symptoms of poisoning are not listed in pre-treatment notices. If people feel ill, they should consult their personal health care provider. As stated on page 5.2-9 of the Draft EIR, California physicians are required by law to report all suspected pesticide-related illnesses or injuries to their local health officer. Copies of these Pesticide Illness Reports are then sent to the local county agricultural commissioner and CDPR for investigation. Completed investigation reports are evaluated by the Pesticide Use Enforcement and Worker Health and Safety Branches of CDPR. Information derived from illness investigations is one element in the continuing evaluation of pesticide use.	See Master Response 5. As indicated in the Draft EIR, the proximity of water bodies is taken into account during treatment operations to avoid impacts to aquatic resources. Product labels also restrict applications that could be expected to result in contamination of water bodies. Compensation for loss is a legal rather than an environmental issue. The extent of tarping necessary on any given property can only be determined at the time of treatment.
B14-64		See Master Responses 1, 2 and 3. See discussion of treatment considerations in Chapter 4 of the Draft EIR.
B14-65		See Master Response 7. Many of the alternative control methods suggested by the commenter are analyzed in Chapter 8 of the Draft EIR.
B14-66		See Master Responses 2, 3 and 8. Also see response to comment B14-9.
B14-67		See Master Response 2. Zero risk is not attainable as discussed in the EIR. An analysis of the potential impacts of the proposed PDCP on water quality is provided in Chapter 5.3 of the Draft EIR. All potential water quality impacts were found to be less than significant. As stated on page 5.3-5, CDFA has contracted with CDPR to sample the concentration of pesticide in the application storage tank, in nearby surface waters, in the air, and on treated foliage before and after application, where appropriate. The data from environmental monitoring would be reviewed to ensure that applications do not lead to undesirable residue levels. Anomalous results would be evaluated to determine if application methods needed to be adjusted, and if so, the PDCP would require that treatments be modified accordingly.
B14-62	See Master Response 2. The toxicity profile of carbaryl is summarized in Appendix P of the Draft EIR. It also includes a discussion of toxicology principles. Conditions and circumstances in which carbaryl is to be used in the PDCP are quite different than those under which	

B14-68	See Master Response 2. A chemical hazard and risk evaluation of carbaryl is provided in Appendix P of the Draft EIR. The potential hazards associated with the proposed PDCP related to the use of pesticides is provided in Chapter 5.2 of the Draft EIR.	B14-75	See Master Response 2.
B14-69	A discussion of the potential impacts to non-target insects is provided on page 5.4-10 of the Draft EIR. Although the PDCP would result in the mortality of some beneficial, non-target insect populations, the impacts would be temporary and limited to the application site. Populations of affected insects would recover through recolonization after treatments; therefore, the temporary loss of non-target insects is considered to be a less-than-significant impact.	B14-76	See Master Response 2. Cholinesterase testing is not useful as a screening tool for the general population, and has limited application for workers exposed on a regular basis to cholinesterase-inhibiting chemicals.
B14-77		B14-77	See Master Response 2. Cholinesterase testing is not useful as a screening tool for the general population, and has limited application for workers exposed on a regular basis to cholinesterase-inhibiting chemicals.
B14-78		B14-78	Individuals are referred to their personal health care provider for their health care needs. See response to comment B14-5.
B14-79		B14-79	See Master Response 2. Mutagenicity test results indicate that imidacloprid does not pose a measurable risk of inducing mutagenic changes in humans. As background information, cell mutations may occur spontaneously. These mutations do not by themselves suggest an adverse event for the organism. Finding an increase in mutagenic changes by itself does not indicate a significant health risk.
B14-70	See Master Responses 2 and 6.	B14-80	See Master Response 2. Based on available studies, there is no indication that imidacloprid affects the thyroid until artificially high doses are reached. Thyroid effects have not been reported in people exposed to post-application residues.
B14-71	See Master Responses 2 and 6.	B14-81	See Master Response 2. The question “What if people are deficient in the necessary ‘metabolites’ to rid their bodies of imidacloprid” is not meaningful. Metabolites are compounds that a parent molecule becomes when it is metabolized. If people are unable to metabolize a compound, alternate biochemical pathways ordinarily lead to metabolism or excretion. It would be speculative to formulate potential alternate metabolic pathways. Formulated products are tested for acute toxicity. There is no indication that marketed products alter toxicity of
B14-72	See Master Responses 2 and 3.	B14-73	See Master Responses 1 and 2. The composition of inert ingredients in pesticide products is not commonly revealed. Trade secret and confidentiality issues are involved. Requests for this information should be addressed to the product sponsors and the pesticide regulatory agencies. Products containing the same active ingredients as those used in the emergency PDCP are available for use by the general public, and listing of inert ingredients would have no influence on environmental impacts themselves. Impact evaluation is based on the hazard determinations of the regulatory agencies and use patterns of the products in the program.
B14-74	See response to comment B14-61.		

imidacloprid. The issue of publicly disclosing the identity of product inert ingredients is not within the purview of the PDCP. The U.S. EPA and CDPR are the authoritative bodies for such disclosures. The issue involves trade secret protections intended to preserve property rights and prevent unfair market competition. The PDCP is only a user/consumer of these products and has no authority in this area.

B14-87	As indicated in the Draft EIR, the proximity of water bodies is taken into account during treatment operations to avoid impacts to aquatic resources. Product labels also restrict applications that could be expected to result in contamination of water bodies.	
B14-88	See Master Responses 2, 3, and 10.	
B14-89	See Master Response 2. Most often, breakdown products are identified, however, the identification may not be complete. If no adverse impacts from breakdown residues are known to occur, determination of individual breakdown product residues would serve no practical purpose.	
B14-90	See Master Response 2.	
B14-91	See Master Responses 2 and 3. Gardens would not be treated with a product not approved for use on gardens. Regulations that prohibit certain plantings for a period of time after an application generally apply to commercial crop production.	
B14-92	See Master Responses 2 and 3. As discussed in Appendix P of the Draft EIR, safety is not a characteristic of any material. Hazardous materials can be used safely. In establishing use and exposure restrictions, pesticide regulatory bodies incorporate significant margins of uncertainty into the formulas they use to establish limits that take into account variability that exists within any group or population with respect to susceptibility. There is no basis for the requested monitoring that would exceed that which is already incorporated into the program.	
B14-93	See Master Response 2 and response to comment B14-92. CDFA has contracted with CDPR to conduct environmental monitoring of kidney disease, which can be of variable origin.	

pesticide treatments and treatment areas in non-agricultural areas to ensure proper application of the treatments. CDPR is the state agency that enforces regulations that govern the safe and proper use of pesticides, including licensing of dealers and applicators, investigating pesticide incidents, ensuring product quality, and monitoring pesticide residues. As such, CDPR is the appropriate agency to conduct environmental monitoring for the PDCP. The CDPR environmental monitoring protocols, including sampling methods, are provided in Appendix R of the Draft EIR and pages 5-9 through 5-13 of this document.

B14-94 See Master Responses 2 and 3. From a practical standpoint, testing chemicals for toxicity on “sick and dying” animals would entail an endless process, inasmuch as there are myriad conditions that can result in “illness.” Each individual illness potentially entails separate biological disturbances. The consensus of experts is that established margins of uncertainty are large enough to account for observed limits of biological variability.

B14-95 The adult glassy-winged sharpshooter is a strong flyer. Direct observation, release-and-capture experiments, and trap catches show a strong tendency for adult insects to fly and disperse to new areas. Experience in insectaries shows that nymphs try to leave host plants from which they emerge for other locations and plants.

B14-96 See Master Response 8. As stated in Chapter 3 of the Draft EIR, Pierce’s disease in coastal California presently occurs most commonly near riparian areas and ornamental plantings, and near weedy crop fields or pastures in the San Joaquin Valley. At present, there is a dynamic balance between the presence of the native vectors, *Xylella fastidiosa*, and susceptible host plants. Most growers know where there are “hot spots” of disease in their region caused by the presence of large

numbers of native vectors to spread the pathogen. These can often be avoided. The glassy-winged sharpshooter, however, has the potential to disrupt this dynamic by spreading the pathogen to areas which are normally beyond the range of native vectors. As noted in Appendix B, virtually all the regions suitable for growing grapes in California occur within the area that is environmentally able to sustain glassy-winged sharpshooter populations. Therefore, all these areas are potentially liable to experience increases in Pierce’s disease due to glassy-winged sharpshooter mediated movement of the disease. See response to comments B14-44 and B14-46.

B14-97 See Master Responses 2 and 3. The glassy-winged sharpshooter itself does not pose a threat to human health. As stated on page 4-5 of the Draft EIR, failure to maintain real property so as to allow infestation by a pest, like the glassy-winged sharpshooter, constitutes a public nuisance (FAC Section 5401). It is unlawful to maintain such a nuisance (FAC Section 5402). These statutes are codified in Chapter 6, Part 1, Division 4 of the Food and Agricultural Code, and they are an exercise of the government’s powers to abate nuisances.

Kaolin clay is a repellent that reduces the movement of glassy-winged sharpshooter onto the treated crop (see Draft EIR page 8-9). Recent data are showing that such treatments can reduce glassy-winged sharpshooter numbers in the treated area, but there are no data showing the glassy-winged sharpshooter will refuse to cross the barrier and thus could be contained. Because the clay repels the glassy-winged sharpshooter but does not kill them, the glassy-winged sharpshooter will simply go elsewhere. This is explained on page 8-9 of the Draft EIR.

B14-98 See Master Responses 2 and 3. As stated on page 4-36 and 4-37 of the Draft EIR, environmental monitoring of pesticide treatments and treatment areas in non-agricultural areas would be arranged for by

CDFA and conducted by the CDPR to ensure proper application of the treatments. The monitoring data would be used by CDFA to verify proper application rates and coverage and to monitor the environmental fate of the applied material. Not every application would be sampled. The CDPR environmental monitoring protocols, including sampling methods, are provided in Appendix R of the Draft EIR and pages 5-9 through 5-13 of this document.

B14-99 See Master Response 3. Contrary to the allegation that any group has been “singled out,” the EIR includes consideration of possible impacts to all segments of the environment.

B14-100 See Master Responses 2 and 6. Prudence dictates that people avoid moist residues because moisture facilitates the transfer of material from one surface to another contacting surface, e.g., skin or clothing. By avoiding moist residue, people can reduce the amount of residue that potentially could transfer to themselves. This is a practical measure to reduce potential absorption, or individual dose. There is no suggestion that there is “no risk to anyone.” The phrase “acceptable risk population” is not one introduced by the PDCP, U.S. EPA, or the CDPR. Since risk cannot be reduced to zero, pesticide regulatory agencies have established a standard of “reasonable certainty of no harm” as presented in Appendix P. There is no population for whom harm is accepted. While some individuals or groups may disagree with the conclusions of these agencies as to what the “risk” of harm may be, there is no “acceptable risk population.”

B14-101 A discussion of the potential impacts to non-target insects is provided on page 5-4-10 of the Draft EIR. Although the PDCP would result in the mortality of some beneficial, non-target insect populations, the impacts would be temporary and limited to the application site. Populations of affected insects would recover through recolonization after treatments;

therefore, the temporary loss of non-target insects is considered to be a less-than-significant impact.

B14-102 See Master Response 3. Concentration and particles are not synonymous or necessarily associated. The concentration of pesticide residues measured in air in association with applications made for the PDCP are many times less than amounts associated with toxicity. The notion that people would be killed is without foundation.

B14-103 See Master Response 4. In addition, CDFA has responded to Ms. McEliver’s request for use of the Cleaner Air Disability sign in a letter from Michael Krug dated April 17th 2002.

B14-104 See Master Responses 2 and 3.

B14-105 See Master Responses 2, 3 and 6. Carbaryl has been available and used extensively by private individuals and commercial interests since being registered in the mid 1950s. Government regulatory agencies sometimes find that it is not necessary to set concentration limits for a chemical residue. This occurs, for example, when the potential for concentrations to reach toxic levels is physically not possible due to the laws of physics. In the case of carbaryl, the regulatory agencies have determined that the potential for carbaryl to reach toxic concentrations under normal use and atmospheric conditions does not warrant attention at this time. Any level that may be set would exceed maximum concentrations known to occur, even under maximum use conditions.

The use of carbaryl in the PDCP is minute compared with non program applications that occur regularly by other users.

B14-106 There is no basis for allegations of conspiracy. In California, physicians are required by law to report all cases in which pesticide exposure is suspected as a possible cause.

B14-107 See Master Response 7. The commenter presents a list of “facts,” identified by sequential letters, and then a list of proposed “solutions,” also identified by letter. Responses to the specific “facts” and “solutions” are provided below:

1. “Facts”
 - Points a, b, and k: CDFA agrees with these statements.
 - Point e (1st sentence): CDFA agrees that every 60 days a new arthropod successfully invades the state although not all are pests.
 - Points c, d, e (second sentence), g, h, and l: These statements are opinions of the writer and not related to the Draft EIR.
 - Point f: There is an inspection system in place to reduce the threat posed by the spread of pests through nursery stock.
 - Point i: This statement is not true as noted on page 8-4 of the Draft EIR.
 - Point j: CDFA agrees that there is a test available, however it does not agree that it could be used successfully to “protect crops.” The economic and environmental aspects of this are discussed in Appendix B of the Draft EIR.
 - Point m: This statement is not true as noted on page 8-5 of the Draft EIR.
2. “Solutions”
 - Points a and e: These suggestions are already in place.
 - Points b, c, d: These suggestions are not related to the Draft EIR.
 - Points f, g, and h: This is being done to the extent possible given the limitations of the trap and monetary restrictions.
 - Point j: This suggestion is not related to the Draft EIR.
 - Points i and k: No data exists to support this idea of a buffer

zone. In Texas, the Texas A&M University advocates a buffer of 150 feet using mowing or pesticide sprays with an additional treatment zone beyond the buffer of up to 130 feet if one glassy-winged sharpshooter is captured in 25 sweeps of a sweep net. For this recommendation, a buffer of at least 280 feet is required. This is not feasible in California at most locations.

- Point l: See page 8-4 of the Draft EIR, the glassy-winged sharpshooter can fly up to 25+ meters (over 75 feet) in the air on occasion. This makes the fence concept infeasible. See response to point k (“solution”) for discussion of a buffer zone.

Point 3: This is an issue outside the scope of the Draft EIR.

Point 4: See response to point k (“solution”) above.

Point 5: See response to point l (“solution”) above.

Point 6: It is unclear what the goal of the suggested trapping program would be. At present, growers trap to determine if glassy-winged sharpshooter is present and to time appropriate control measures.

Point 7: As noted in the Draft EIR, there are no *Xylella fastidiosa*-resistant *Vitis vinifera* cultivars. Under this suggestion, no table, raisin or wine grapes would be grown in California.

Point 8: See page 8-13 of the Draft EIR for an analysis of the No Project alternative. Also see Master Response 8.

B14-108 The documents submitted by the commenter are included as part of the administrative record. See Chapter 6 of this document for a list of all documents submitted during the public review period.

B14-109	See Master Responses 3 and 7.	
B14-110	This is a reference list for papers submitted with Letter B14 during the Draft EIR review period. The submitted materials are included as part of the administrative record. See Chapter 6 of this document for a list of all documents submitted during the public review period.	
B14-111	This comment defines the term “at risk population,” as it is used in the rest of the comment letter. See Master Response 3. Based on the context in which it is used throughout this submission, the implication is that the commenter is referring to individuals identified as “chemically sensitive.” The different viewpoints within the medical arena surrounding this issue are considered in the Draft EIR. While advocates strongly believe in a relationship between myriad symptoms and exposure to trivial amounts of multiple chemicals, the overwhelming consensus of the medical community that has examined the issue is that no physiologic link has been demonstrated to support a connection between reported symptoms and pharmacologic or immunological responses. As noted in Appendix P of the Draft EIR, there is no established mechanism or measurable biological marker that distinguishes a specific biological “condition,” or abnormality. The diagnosis of chemical sensitivity is subjective. Chemical toxicity is not demonstrated, nor is immunologic response (or lack of response) demonstrated. A separate group is not recognized as “at risk.” The impact analysis for the program included all people who may be exposed to pesticide residues in association with the program.	
B14-112	See Master Response 8.	
B14-113	See Master Response 3.	
B14-114	See Master Responses 2 and 3.	
B14-115	The adult glassy-winged sharpshooter is a strong flyer. Direct observation, release-and-capture experiments, and trap catches show a strong tendency for adult insects to fly and disperse to new areas. Experience in insectaries shows that nymphs try to leave host plants from which they emerge for other locations and plants.	
B14-116	See Master Responses 2, 10 and 11. There are individuals who may choose to not encounter any pesticide chemicals, whether part of the PDCP or not. This is understood. Compensation is a legal rather than an environmental issue.	
B14-117	See Master Response 3.	
B14-118	See Master Responses 2, 3 and 11. Post-treatment monitoring of treated areas by staff to alert approaching individuals would be considered for each treatment area and implemented as appropriate, when conditions warrant. The consensus of the medical community is that the relationship between trivial chemical exposures and catastrophic consequences is not scientifically supported.	
B14-119	See page 5.4-10 of the Draft EIR. If CDFA were to treat the entire area potentially amenable to colonization by the glassy-winged sharpshooter, (essentially all the state below about 2000 feet elevation and encompassing thousands of square miles) there would be a significant negative impact on bee populations (see Appendix B of the Draft EIR). This was not considered because no one could reasonably envision it occurring.	
B14-120	See Master Responses 3 and 10.	
B14-121	The other commodity groups which may benefit include almonds, citrus, peaches, nectarines, pears, alfalfa, ornamentals, and any other	

commodity group which produces, markets, or ships crops susceptible to the Pierce's disease bacterium or which hosts the glassy-winged sharpshooter. See pages 1-2, 3-7, and Appendix B of the Draft EIR for more information.

B14-122 See Master Responses 2 and 3. The consensus of the medical community differs from that of the unnamed authority referred to.

B14-123 See Master Responses 2 and 3.

B14-124 See Master Response 2 and page 5.2-12 of the Draft EIR.

B14-125 See Master Responses 1, 2 and 3. As discussed in the Draft EIR, the entire state of California may be subject to PDCP action, although some areas are not likely to support populations of glassy-winged sharpshooters. Treatments would occur seasonally, and are ordinarily limited to two to three applications to a given area per generation as is discussed in the Draft EIR. At this time, two distinct times of the year have been identified during which glassy-winged sharpshooter emergence has been observed.

B14-126 See Master Responses 2 and 3. Appendix P of the Draft EIR provides information relative to chemical hazard, risk evaluation, and uncertainty. The use of exposure margins is used to compensate for uncertainty and reduce potential risk. Zero risk is not attainable as discussed in the Draft EIR.

B14-127 CDFA has contracted with CDPR to conduct environmental monitoring of pesticide treatments and treatment areas in non-agricultural areas to ensure proper application of the treatments. CDPR is the state agency that enforces regulations that govern the safe and proper use of pesticides, including licensing of dealers and applicators, investigating

pesticide incidents, ensuring product quality, and monitoring pesticide residues. Also, they have the experience and expertise. As such, CDPR is the appropriate agency to conduct environmental monitoring for the PDCP. The CDPR environmental monitoring protocols, including sampling methods, are provided in Appendix R of the Draft EIR and pages 5-9 through 5-13 of this document.

B14-128 As discussed on page 5.2-22 of the Draft EIR, the PDCP would not result in an increased risk of accident or likelihood of upset. While it is remotely possible that a terrorist could use pesticides in an attack, the PDCP would not increase the chances of that happening.

B14-129 See Chapter 5.3 of the Draft EIR (beginning on page 5.3-1) for a discussion of potential impacts of the PDCP on water quality. No significant impacts are expected. Drift onto surface water would be avoided by following all pesticide application restrictions and requirements. See Master Response 6.

B14-130 See Master Responses 2 and 11.

B14-131 If a threatened or endangered species or a species of concern exists within a nursery, it is protected under the Endangered Species Act. As noted in the Draft EIR, the MOU's with CDFG and USFWS describe a process to be used to consult with these trustee agencies about any site-specific concerns posed by actions taken in this program. This approach is used because, unlike typical land use projects, it is impossible to predict where glassy-winged sharpshooter infestations might be discovered. The commenter has "prejudged" the outcome of these consultations with the assumption that incidental "take" would occur. If, in the opinion of the trustee agencies additional measures such as permits for incidental take or monitoring programs are needed to protect threatened or endangered species, or species of concern, then,

<p>as noted in the Draft EIR (page 5.4-7), the agencies would develop them pursuant to the conditions stated in the MOU's. Section 402.13 of the Endangered Species Act specifically allows for modification of actions by the USFWS to avoid adverse effects. The MOU's with CDFG and the USFWS specifically state that if CDFA activities pose potential jeopardy to threatened, endangered or candidate species, CDFA will enter into a formal consultation with CDFG and USFWS, with the attendant requirement for additional environmental analysis. Prejudging the outcome of future consultations is speculative and fails to acknowledge the authority of the trustee agencies. Also see Master Response 1.</p>	<p>B14-136 The methods and procedures to be followed for avoiding impacts to threatened, endangered, and sensitive species and habitats are discussed extensively in the Draft EIR. For example, see pages 2-11, 4-11, 4-24, 4-25, 5-4-2 through 5-4-9, and Appendices L, N, and O of the Draft EIR. Also, see the response to comment B14-131. In regards to the question about culinary drinking water, it is uncertain what specifically the question refers to, so a specific response cannot be given. See Chapter 5.3 of the Draft EIR (beginning on page 5.3-1) for a discussion of potential impacts of the PDCP on water quality.</p>
<p>B14-137 Experience and pragmatic considerations point to smaller rather than larger treatment areas. The total emergency program use of pesticides for rapid response in nonagricultural areas in 2000 amounted to 0.4% or less of the total reported statewide use of those products. These extremely small amounts cannot reasonably be viewed as posing a greater risk of reducing pollinator populations in comparison to current background levels of use. See pages 7-4 and U-1 of the Draft EIR for more information.</p>	<p>B14-138 A 3% loss per year can be devastating to growers (see Appendix B of the Draft EIR). The rate was not constant but rather increasing exponentially as noted by Dr. Alexander Purcell of the University of California at Berkeley (see Appendix B).</p>
<p>B14-139 As noted in Appendix B, virtually all the grape growing regions in California occur within the area that is environmentally able to sustain glassy-winged sharpshooter populations. Therefore, all these areas are potentially liable to experience increases in Pierce's disease due to glassy-winged-sharpshooter-mediated spread of the disease.</p>	<p>B14-140 See Master Responses 2 and 3.</p>
<p>B14-141 The area to be treated would depend upon the extent of the newly-found glassy-winged sharpshooter infestation. See Master Response 1 and response to comment B14-132.</p>	<p>B14-142 See Master Response 1.</p>
	<p>See Master Responses 2 and 3.</p>
	<p>See Master Response 1.</p>
	<p>See Master Responses 2 and 3. The consensus of the medical community is that the relationship between trivial chemical exposures and catastrophic consequences is not scientifically supported.</p>

Concentration and particles are not synonymous or necessarily associated. The concentration of pesticide residues measured in air in association with applications made for the PDCP are many times less than amounts associated with toxicity.

B14-143 See Master Responses 2, 3 and 10.

B14-144 See Master Response 3 and B14-100. The implication that the PDCP involves murder is without merit.

B14-145 The statement that “pests can pose a threat to human health” is a general observation as to the kinds of impacts pests can have. It is not specific to Pierce’s disease or the glassy-winged sharpshooter. Clear examples of pests which directly impact human health are disease-bearing mosquitoes and fleas. Crop-destroying pests also impact human health by reducing food production and availability. This can lead to starvation and famine, such as happened in the case of potato blight in Ireland during the 1840s.

B14-146 This comment refers to the section of the Draft EIR explaining the legal basis for the PDCP. The third paragraph of that section (page 4-5 of the Draft EIR) explains that pests can pose a threat to “human health, domestic animals, wildlife, and public and private property.” The Legislature has declared that infested property constitutes a public nuisance and it is unlawful to maintain this public nuisance. The particular sentence to which the comment refers to merely recognizes that the government may not carry out its authority and responsibility in a capricious manner, and must recognize the rights of landowners.

The following sentence in this paragraph explains that “substantive law and legal procedures” provide for nuisance abatement. It is within the substantive law and legal procedures that the government provides for the protection of landowners’ rights and assures landowners that

they will be accorded whatever process they are due. Consequently, in carrying out their duty to abate nuisances, agricultural commissioners must comply with legal requirements before entering or treating private property. Legal requirements may be satisfied by either obtaining the consent of the landowner, or obtaining a warrant to enter and treat the property. It is in the substantive requirements and procedural processes necessary to obtain such a warrant that landowners are accorded the “regard” referenced in the sentence upon which this comment is based.

The comment also asks why the Draft EIR proposes to “trespass” onto private property. The PDCP does not intend to “trespass” onto property and the Draft EIR is not intended to suggest that the PDCP would trespass onto private property. Any entry would be made either with consent or pursuant to a warrant. It would therefore be lawful, and would not constitute a “trespass.”

The comment recognizes that the referenced sentence acknowledges that landowners do have rights. But, the comment mischaracterizes the meaning of the referenced sentence. The sentence and the Draft EIR recognize that landowners have rights and landowners may decline to consent to treatment. But, the Draft EIR, and the particular paragraph and sentence referenced also state that infested property constitutes a public nuisance, the maintenance of which is un-lawful and which may be abated by agricultural commissioners. Consequently, neither the referenced sentence nor the Draft EIR state that a landowner may “elect” to not have their property treated for glassy-winged sharpshooter.

The last sentence of this comment states: “It is clearly time that human health is put first and foremost, ahead of any insect no matter what the cost.” CDFA has undertaken this EIR process to evaluate the potential for environmental impacts from the PDCP, and to the extent possible

		ensure they have been addressed. Therefore CDFA has effectively put human health and the environment first and foremost.
B14-147	See Master Response 2.	
B14-148	The process included participation by representatives from known interested groups and individuals. The opportunity to present concerns was provided. Concerns were included in the analysis. The fact that conclusions reached are not unanimous does not mean the process was not inclusive. The conclusions represent a consensus.	
B14-149	See response to comment B14-127.	
B14-150	An analysis of pesticide use in and around fragile populations and locations is provided on page 5.2-7 of the Draft EIR. Through that analysis, it was determined that the potential hazards to fragile populations would be less than significant. See Master Response 3.	
B14-151	The consensus of the medical community is that the relationship between trivial chemical exposures and catastrophic consequences is not scientifically supported.	
B14-152	See Master Responses 2 and 3. The consensus of the medical community is that the relationship between trivial chemical exposures and catastrophic consequences is not scientifically supported.	
B14-153	Post-treatment monitoring of treated areas by staff to alert approaching individuals would be considered when conditions warrant.	
B14-154	California Food and Agricultural Code Section 6521 allows pest-infested shipments to be returned to origin if such action does not present the risk of spreading the pest. Shipments infested with glassy-winged sharpshooter can be safely returned to origin if they are properly enclosed or if other acceptable conditions for movement are met. Allowing shipments to be returned to origin helps minimize economic losses to shippers, negates the need for shipment destruction and disposal, and removes the risk of the infested shipment causing a new infestation in the destination area.	
B14-155	No one knows how long this may take, if achieved at all. See page 8-7 of the Draft EIR. Also see Master Response 1.	
B14-156	See Master Response 3.	
B14-157	This is the decision of the local program managers. Removal of the vegetation would encourage movement of the glassy-winged sharpshooter to other areas, and could increase the size of the area needing treatment (see Draft EIR page 8-9).	
B14-158	See Master Response 1.	
B14-159	See Master Response 1. The basic scenario following detection of a sharpshooter infestation in a new area involves (1) intensive survey of the area to determine the extent of an infestation, (2) notification of residents via an informational meeting and door-to-door notification, (3) treatment, (4) follow-up monitoring activities. These activities are discussed in more detail in Chapter 4 of the Draft EIR. Residents of treatment areas are kept fully informed of activities which directly affect	

them. In general, individual properties may be treated one to three times per year.

B14-160 See Master Response 1. As stated on page 4-27 and elsewhere in the Draft EIR, carbaryl, cyfluthrin, and imidacloprid have been used under the emergency program and would most likely continue to be used as the primary pesticides for the PDCP rapid response program. However, other registered pesticides may be applied under the direction of county agricultural commissioners if information suggests an advantage exists or other benefit (e.g., reduced risk). The Draft EIR does not state that only carbaryl, cyfluthrin, and imidacloprid would be considered for use in the program.

B14-161 There are no specific criteria that define “advantage” or “reduced risk.” These can take on different characteristics. For example, a pesticide that is less likely to injure non-target species, including humans, would be considered “reduced risk” as would one that had limited ability to enter ground water. It would be advantageous to use a material that was able to eliminate eggs, adults, and nymphs, or require fewer applications. As discussed in the EIR, if other products become available, they would be evaluated to determine if they involved environmental impacts not considered in the Draft EIR. If new program impacts are identified, a supplemental analysis and report may be required.

B14-162 See Master Responses 2 and 3. Inert ingredients in pesticide products are discussed in Appendix P of the Draft EIR.

B14-163 See Master Responses 2 and 3. The consensus of the medical community is that the relationship between trivial chemical exposures and catastrophic consequences is not scientifically supported. Concentration and particles are not synonymous or necessarily

associated. The concentrations of pesticide residues measured in air in association with applications made for the PDCP are many times less than amounts associated with toxicity.

B14-164 See Master Response 1. As stated on page 4-27 and elsewhere in the Draft EIR, carbaryl, cyfluthrin, and imidacloprid have been used under the emergency program and would most likely continue to be used as the primary pesticides for the PDCP rapid response program. However, other registered pesticides may be applied under the direction of county agricultural commissioners if information suggests an advantage exists or other benefit (e.g., reduced risk). The Draft EIR to see how the size of an infestation enters into treatment decisions.

B14-165 See Master Responses 2 and 6.

B14-166 Phytotoxicity is not inherently temperature specific. Phytotoxicity of carbaryl is species specific and limited to certain plants and does not occur in others.

B14-167 See Master Response 2. This is a misstatement of what is written on page 4-32 of the Draft EIR. The Draft EIR states “CDFA has reviewed a large number of insecticides registered for use in non-agricultural settings in California for their potential use in the program (Appendix Q). Although much information - especially about effectiveness against glassy-winged sharpshooters - is lacking, the data are sufficient to determine which products merit further review.” Several University of California scientists, including Drs. Elizabeth Grafton-Cardwell and Richard Redak, have shown carbaryl to be effective against glassy-winged sharpshooter. The effects of poisoning with carbaryl are known and have been discussed in the Draft EIR (see page 4-32 of the Draft EIR).

B14-168 See response to comment B14-73.

B14-169	See Master Responses 3 and 10. Also see Figure 4-3 on page 4-28 of the Draft EIR, which allows the initial use of organic control as a treatment option.	B14-174	See Master Response 3.
B14-170	CDFA has investigated controlling the glassy-winged sharpshooter using “reduced risk” pesticides and those approved for use by organic growers (see Chapter 8 of the Draft EIR and Master Response 7). Overall, they have proven unsuitable for general program use due to low efficacy, difficult application requirements, and other problems. Pesticide materials must be determined to present reasonable certainty of no harm under proposed use conditions before being registered for use. As such, any valid concerns about their potential effects on fragile populations must be evaluated and addressed during the registration process.	B14-175	See response to comment B14-142.
B14-171	See Master Response 1. A precise upper limit on the size of potential treatment areas has not been established. However, the likelihood of eradication decreases with increasing infestation size, which is why early detection and rapid response are so important to preventing establishment of infestations in new areas. See Figure 4-3 on page 4-28 of the Draft EIR to see how the size of an infestation enters into treatment decisions.	B14-176	It is unclear what the commenter is referring to in this comment.
B14-172	Persons interested in obtaining a copy of a county’s Pierce’s Disease Control Program workplan can contact the office of that county’s agricultural commissioner and request a copy.	B14-177	CDFA has contracted with CDPD to conduct environmental monitoring of pesticide treatments and treatment areas in non-agricultural areas to ensure proper application of the treatments. As stated on page 5-2-14 of the Draft EIR, the U.S. EPA and CDPD evaluate pesticides for potential effects on human health prior to registration, and require appropriate use restrictions to ensure a reasonable certainty of no harm to human health and the environment. If applicable, pesticide labels indicate the amount of time people must stay out of treated areas after pesticides are applied. See Master Response 2.
B14-173	The time between discovery of an infestation and the treatment of infested properties varies. Regardless of the time period, affected residents would be notified prior to the beginning of any treatment. If residents are not at home, efforts would be made to locate and inform them prior to any treatment activity on their property.	B14-178	Environmental monitoring would be conducted as appropriate to ensure proper application practices are followed. Routine long-term monitoring of sites is not anticipated.
B14-179	See response to comment B14-177.		

B14-180	Inert ingredients, as discussed in Appendix P of the Draft EIR, are not of pesticidal significance. Regulatory agencies do not set inert ingredient residue limits. Materials used as inert ingredients are not unique to pesticide products, and may be present in a myriad of other products. No useful information would derive from measuring formulation ingredients, even if specific identification of those ingredients was provided.	owners. There are many factors to take into account, including cost, efficacy, and effects on other nursery activities.
B14-188		See Master Responses 9 and 10.
B14-189		See Master Responses 1 and 9.
B14-190		See Master Response 6.
B14-191		See Master Response 3. The PDCP would not result in physical alterations to the landscape and would not result in the physical division of a community.
B14-192	Pesticide treatments on nonagricultural land would be deemed appropriate when the treatments presented a reasonable likelihood of success at eradicating or suppressing a troublesome infestation of glassy-winged sharpshooter. The size of the area treated can vary, based upon the goal of the treatment program (eradication or suppression) and other parameters. Under current protocols, the most extensive treatment area would be all properties where one or more viable life stages of the sharpshooter were found, plus all properties within 300 yards of the find sites. See Section 4.6.4 of the Draft EIR, beginning on page 4-23, for more information.	
B14-193	As indicated in the Draft EIR, pretreatment notification activities would be conducted in non-agricultural areas prior to treatment application. The public would be notified of pesticide treatments through informational meetings, the local news media, and by door-to-door notification of occupants of properties to be treated, as well as of adjacent properties. As indicated in the response to comment B14-173, if residents are not at home, efforts would be made to locate and	
B14-181	See Master Response 9 regarding your “Freedom of Information Act” request for statistical data and analysis pertaining to program pesticide applications. Also, see pages 4-37, 4-38, and Appendix S of the Draft EIR for information obtained from environmental monitoring studies.	
B14-182	See response to comment B14-105.	
B14-183	As necessary, appropriate, and feasible, residents with ground-level fishponds would be advised to not hose off pesticide-treated surfaces into their fishponds.	
B14-184	Comment noted.	
B14-185	At present genetically-modified <i>Vitis</i> grapevines resistant to Pierce’s disease do not exist (see Draft EIR page 8-3). It is speculative to judge their potential impacts until the exact genetic modification and its mode of action are known.	
B14-186	No one knows how long this may take, if achieved at all. See page 8-7 of the Draft EIR. Also see Master Response 1.	
B14-187	Erecting screens around nurseries to protect nursery stock from infestation by glassy-winged sharpshooter is a decision left to nursery	

inform them prior to any treatment activity on their property. For more information, see pages 4-14, 4-35, A-7, A-12, and G-6 of the Draft EIR.

B14-194 See Master Response 3.

B14-195 As indicated in the response to comment B14-154, shipments infested with glassy-winged sharpshooter can be safely returned to origin if they are properly enclosed or if other acceptable conditions for movement are met. Since such shipments originate from areas already infested with the sharpshooter, they do not present a risk of spreading the pest to new areas.

B14-196 See Master Responses 2 and 3.

B14-197 This comment references Draft EIR Impact LU-3 and specifically the last paragraph on page 5.1-5. The comment asks: "...can you please explain the use of the term 'may' and what constitutes such a spray program threatening the health of the 'at risk' population?" This comment is compound, it makes two requests. The first comment asks for the meaning of the term "may" as the term is used in the sentence: "If a landowner declines to consent to treatment, the county agricultural commissioner may exercise the authority conferred by the Food and Agricultural Code to abate public nuisances and treat the property." This paragraph explains that consent is anticipated, and in past operations, agricultural commissioners have attempted to obtain the landowner's voluntary cooperation. If voluntary cooperation and consent cannot be obtained, then the agricultural commissioner would have to obtain a warrant before entering the property and conducting the abatement.

B14-199 See Master Response 3.

winged sharpshooter, agricultural commissioners have been authorized in the state's statutes to abate public nuisances, and the Legislature has declared by statute that infested property constitutes a public nuisance.

In exercising their authority, agricultural commissioners must comply with the landowner's rights and obtain a warrant from the court before entering the property. Therefore, this paragraph explains that, if a landowner does not consent to entry and treatment of their property, the agricultural commissioner has authority to obtain a warrant and enter the property and treat for glassy-winged sharpshooter over the landowner's objection.

The words after "and" constitute a second request; this second comment requests some type of an explanation of the program, but is incomprehensible and therefore it is not possible to ascertain what is being requested and what would constitute an adequate response. Therefore, the second request warrants no response.

B14-198 As stated in Appendix P of the Draft EIR, environmental half-life depends on local variables, such as temperature, presence of organic matter, moisture, acidity, microbial population, and the like. Such a "table" is therefore not meaningful. Evaluation of environmental impacts of the program would not be aided by development of a half-life table, inasmuch as the rate and frequency of applications for the program are within common usage parameters that have existed for approximately 50 years.

B14-200 See Master Response 3.

See response to comment B14-119. The analysis used expected maximal treatment area sizes based on previous programs against Japanese beetle of several square miles, with up to six to eight full coverage foliar sprays per season. Based on this model, the PDCP's

The word "may" is used in the referenced sentence and paragraph to indicate that, absent landowner consent to enter and treat for the glassy-

	use of fewer sprays per season and generally smaller contiguous areas would not decrease bee populations below sustainable levels.	B14-207	Comment noted.
B14-201	See Master Response 2.	B14-208	As indicated in the response to comment B14-121, the other commodity groups which may benefit include almonds, citrus, peaches, nectarines, pears, alfalfa, ornamentals, and any other commodity group which produces, markets, or ships crops susceptible to the Pierce's disease bacterium or crops which host the glassy-winged sharpshooter. See pages 1-2 and 3-7 and Appendix B of the Draft EIR for more information. Regarding the "Freedom of Information Act" request, see Master Response 9.
B14-202	See response to comment B14-132.	B14-209	See Appendix B of the Draft EIR and Master Response 1.
B14-203	See Master Responses 3 and 10. The PDCP rapid response component is designed to minimize the size of areas to be treated by providing for quick delimitation and treatment. The commenter is overstating the degree of treatment. In addition, as shown on Figure 4-3, organic options would be considered for treating organic crops. Conversion of organic farms to non-organic uses is not a likely outcome. Even if treatment of organic crops were necessary, the greatest potential consequence would be the inability to certify the immediate crop as organic. Later crops would be able to be grown and certified organic, which is why the Draft EIR indicates that the economic effect would be temporary.	B14-210	See Master Response 2. A discussion of pesticide use in and around fragile populations and locations is provided in Chapter 5.2 of the Draft EIR.
		B14-211	See Master Response 2. The commenter is referred to CDPR regarding statistics for pesticide use.
B14-204	The definition of "effectively lower glassy-winged sharpshooter numbers" requested by the commenter is: Reduce and maintain glassy-winged sharpshooter numbers to below those which cause economic damage, or to the same levels achieved by using conventional insecticide sprays.	B14-212	CDFA has contracted with CDPR to conduct environmental monitoring of pesticide treatments and treatment areas in non-agricultural areas to ensure proper application of the treatments. As stated on page 4-37, the data from environmental monitoring would be reviewed to ensure that applications do not lead to undesirable residue levels. Anomalous results would be evaluated to determine if application methods needed to be adjusted, and if so, the PDCP would require that treatments be modified accordingly.
B14-205	See Master Response 10 and page 5.1-10 of the Draft EIR. Monitoring of the spray area would be conducted as deemed necessary by CDPR. Organic produce would continue to be monitored as is required by the industry.		In addition, pesticide applications would be made by licensed pest control operators under the direct supervision of staff from the county agricultural commissioner's office and/or CDFA. As stated on
B14-206	See Master Response 10.		

B14-217	page 5.2-22 of the Draft EIR, licensed pesticide applicators receive training on routine and emergency decontamination procedures, safety requirements for handling pesticides, and emergency first aid. While it is possible that an accident could occur with implementation of the PDCP, the program would not result in an increase in accident risk.	See Master Responses 2, 3, and 9. The controversy attending the concept of chemical sensitivity is recognized. See also response to comment B14-142. Questions regarding pesticide regulatory programs should be addressed to pesticide regulatory agencies.
B14-218	PDCP safeguards and annual training of licensed pesticide applicators would ensure that these risks would be less than significant.	See Master Response 2. See also page 5.2-12 of the Draft EIR.
B14-219	The information requested is excessive and not pertinent to PDCP use of the materials. These characteristics of the materials would not be affected by the program. The information requested can be obtained through various resources, including the Internet and published materials.	See Master Response 2 and response to comment B14-94. Appendix P of the Draft EIR provides information relative to chemical hazard, risk evaluation, and uncertainty. The use of exposure margins is used to compensate for uncertainty and reduce potential risk. As discussed in the Draft EIR, zero risk is not attainable.
B14-220	See Master Response 2. Studies and evaluations required by the pesticide regulatory agencies before a pesticide product is registered are not subject to PDCP influence. As a rule, laboratory studies are conducted with animal models that reflect potential human responses rather than testing on humans. These procedures have proven reliable the vast majority of the time, and are the foundation of evaluation before human exposure is permitted. Post-registration monitoring provides additional information as use experience is gained. Uncertainty factors are added to exposure limits to provide a margin of exposure that is less than demonstrated toxic threshold amounts. See Appendix P of the Draft EIR and response to comment B14-100.	See response to comment B14-180. Label use directions are drawn up to minimize adverse impact potentials. There can be no “guarantee” of non-occurrence.
B14-221	See Master Response 9.	PDCP treatments in residential areas would be supervised by staff from the county agricultural commissioner’s office, who would take steps to ensure that treatments are applied at the correct locations. Regarding the minimum training requirements and qualifications to become a commercial pesticide applicator in California, the commenter is referred to the CDPR for that information.
B14-222	See Master Response 2. Studies and evaluations required by the pesticide regulatory agencies before a pesticide product is registered are not subject to PDCP influence. As a rule, laboratory studies are conducted with animal models that reflect potential human responses rather than testing on humans. These procedures have proven reliable the vast majority of the time, and are the foundation of evaluation before human exposure is permitted. Post-registration monitoring provides additional information as use experience is gained. Uncertainty factors are added to exposure limits to provide a margin of exposure that is less than demonstrated toxic threshold amounts. See Appendix P of the Draft EIR and response to comment B14-100.	As discussed on page 5.2-22 of the Draft EIR, the PDCP would not result in an increased risk of accident or likelihood of upset. Pesticide labels provide instructions for proper handling, storage, and disposal of pesticides. Licensed pesticide applicators receive training on routine and emergency decontamination procedures, safety requirements for handling pesticides, and emergency first aid (CCR Title 3, Section
B14-223	See Master Response 2.	
B14-216	See Master Responses 2 and 3. The existence of different viewpoints regarding the validity of chemical sensitivity and absolute certainty of zero risk is discussed in the EIR.	

6724). While it is remotely possible that a terrorist could use pesticides in an attack, the PDCP would not increase the chances of that happening.

B14-224 See Master Responses 2 and 3. See also responses to comments B14-142 and B14-214.

B14-225 See Master Responses 2 and 3.

B14-226 See Master Responses 2 and 3. The request for avoidance measures are not feasible with respect to eliminating all contact with any pesticide. Treatment notices are generally provided 24 to 72 hours prior to pesticide application.

B14-227 See Master Responses 2, 3, and 9. Questions regarding pesticide regulatory programs should be addressed to pesticide regulatory agencies. See also responses to comments B14-94 and B14-142.

B14-228 See Master Responses 2, 3, and 6. Also see response to comment B14-100.

B14-229 See Master Responses 2 and 3. Appendix P of the Draft EIR provides information on chemical hazard, risk evaluation, and uncertainty. Exposure margins are used to compensate for uncertainty and reduce potential risk. As discussed in the Draft EIR, zero risk is not attainable. See responses to comments B14-94 and B14-142.

B14-230 See Master Responses 2 and 3. As noted in the Draft EIR, zero risk is not attainable.

B14-231 See Master Responses 2 and 3. A less-than-toxic amount is one that is below the threshold at which toxic manifestations are demonstrated.

Allowable exposure limits set by regulatory agencies reduce exposure below observed thresholds as a protective measure.

B14-232 Aerial treatment of residential and urban areas for control of the glassy-winged sharpshooter is not included in the PDCP. As stated on page 5.2-15 of the Draft EIR, some growers and nursery owners may be required to treat their crops with pesticides to control the glassy-winged sharpshooter. Growers may choose to use aerial application over commercial cropland areas where this is allowed. Treatments would be made by licensed pesticide applicators, in compliance with pesticide label requirements, and with county agricultural commissioner oversight. See Master Responses 1 and 9.

B14-233 See Master Response 3 and response to comment B14-9.

B14-234 See Master Responses 2 and 3 and response to comment B14-142.

B14-235 See Master Responses 2 and 3 and response to comment B14-9.

B14-236 See response to comment B14-119. Experience and pragmatic considerations point to smaller rather than larger treatment areas. The total emergency PDCP use of pesticides for rapid response in nonagricultural areas in 2000 was 0.4% or less of the total statewide use of those products. See also response to comment B16-39.

B14-237 See Master Responses 2, 6, and 11. To our knowledge, inert ingredients are not part of the CDPR ground water monitoring program. The commenter is referred to the CDPR.

B14-238 See Master Responses 2 and 3.

B14-239	See page 5.3-5 of the Draft EIR. Water bodies and surrounding areas can be protected from drift by covering them with tarps, or by not applying foliar sprays, or by timing treatments for when wind conditions favor drift moving away from the area, or by avoiding treating such areas.	testing of laboratory animals, not California native species. These laboratory animals include, but are not limited to, rat, mallard duck, coturnix quail, rainbow trout, bluegill sunfish and daphnia. Depending on the results of acute toxicity testing, second tier studies may be required on additional laboratory species. Interested persons may arrange to view these studies at the CDPD library by appointment. For more information on viewing studies, contact Chizuko Kawamoto at (916) 324-3556 or ckawamoto@cdpr.ca.gov. Additional background information including the rationale for the selection of representative aquatic species can be found in the USFWS publication, “Manual of Acute Toxicity: Interpretation and Data Base for 410 Chemicals and 66 Species of Freshwater Animals” (Resource Publication 160).
B14-240	See Master Responses 2 and 3.	See Master Responses 2 and 3 and response to comment B14-142.
B14-241	See Master Response 2. Proper application avoids contamination of water bodies and impacts to domestic pets. Suspected incidents would be investigated and followed up as appropriate.	B14-246 See response to comment B14-131.
B14-242	See Master Response 2. The legal definition of water bodies for the purposes of pesticide regulation is contained in the official language adopted by regulation. Practically speaking, it could include oceans, lakes, ponds, rivers, streams, creeks, canals, wetlands, and the like. It would not include things like a backyard wading pool. Aerial spraying is not included in the PDCP except in agricultural areas. Aerial application is not required by the PDCP.	B14-247 The commenter is requesting a definition for a phrase used within the second to last sentence on page 5.4-4 of the Draft EIR, “Pesticides may be applied to the foliage of trees and shrubs, or to soil immediately below trees and shrubs, using ground application equipment.” As stated on page 4-27, pesticide treatment may be either foliar (i.e. applied to the leaves of host plants), or applied to the soil under host plants for uptake by the root system and into the circulatory system of the plant. As shown on Tables 4-4 and 4-5 of the Draft EIR, “Merit® 75 WSP” and “Merit® 75 WP” imidacloprid insecticides may be applied by soil drench or soil injection, in which case they would be applied to the soil immediately below the host trees or shrubs.
B14-243	There is no evidence or indication that pesticide contamination of groundwater has occurred as a result of Medfly eradication program activities.	B14-248 Pesticide applicators are expected to refer to the pesticide label as often as necessary and prudent to verify or remind themselves of specific product use requirements and restrictions.
B14-244	See Master Responses 2 and 9. Ecotoxicology studies on pesticides follow U.S. EPA Pesticide Assessment Guidelines, which are available from the U.S. Department of Commerce, National Technical Information Service. The ecotoxicology studies involve standardized	B14-249 As indicated in the response to comment B14-192, the size of the area treated can vary, based upon the goal of the treatment program (eradication or suppression) and other parameters. Under current

protocols, the most extensive treatment area would be all properties where one or more viable life stages of the sharpshooter were found, plus all properties within 300 yards of the find sites. See Section 4.6.4 of the Draft EIR, beginning on page 4-23, for more information.

B14-250 See Master Response 1.

B14-251 See Master Responses 2 and 3.

B14-252 See Master Response 2 and response to comment B14-232.

B14-253 The phrase the commenter cites is from Chapter 5: Environmental Analysis of the Draft EIR. Chapter 5 addresses the potential environmental impacts associated with the implementation of the proposed PDCP. The phrase is intended to clarify that actions by private growers on their own accord are not included as part of the PDCP, and thus are not evaluated as part of the “proposed program” in the Draft EIR.

As stated in Chapter 7 of the Draft EIR, the analysis of cumulative effects considers implementation of the PDCP in combination with other programs and projects, including the past, present, and anticipated future use of pesticides by other state and local jurisdictions and private growers and homeowners. The use of pesticides by private growers to control the glassy-winged sharpshooter on their own accord is considered as part of the cumulative analysis for the PDCP. See Master Response 6.

B14-254 See Master Response 9.

B14-255 “Weather” influences treatment activities in that some conditions (such as moderate temperatures, little to no wind, dry) are more suitable

for pesticide applications than others (such as rain, strong winds, and extreme temperatures).

B14-256 See the response to comment B14-193. Residents can submit special treatment notification requests to their county agricultural commissioner, who may accommodate those requests at their discretion, and to the extent feasible. The time between notification and treatment would vary with the particulars of each situation.

B14-257 See Master Responses 2, 3, and 11.

B14-258 A discussion of pesticide use in and around fragile populations and locations is provided in Chapter 5.2 of the Draft EIR. See Master Response 3. As stated on page 5.4-2 of the Draft EIR, special-status species are defined as plants and animals that are legally-protected or that are otherwise considered sensitive by federal, state, or local resource conservation agencies and organizations. For the purposes of this EIR, special-status species include the following categories: plants and animals listed as state and/or federally threatened or endangered; those considered as candidates for listing as threatened or endangered; species identified by the USFWS and /or CDFG as California Species of Special Concern; native birds protected by the federal Migratory Bird Treaty Act (MBTA); and animals and plants listed in the California Natural Diversity Database (CNDDDB).

B14-259 The length of time required for an insect population to recover depends on the number of generations per year of the organism. Those with several generations per year rebound more quickly than those with fewer generations. For organisms with only one generation per year, it may take a full year or longer to attain pre-treatment population levels. See Master Response 6.

B14-260 See Master Responses 2 and 3, and response to comment B14-142.

B14-261 At this time, there are no plans to remove vegetation from the properties of private citizens as part of the PDCP, nor are there plans to reimburse private citizens for such vegetation removal. If vegetation removal is contemplated and the issue of reimbursement is raised, it would receive further consideration. This does not have a bearing on the potential environmental effects of the PDCP.

B14-262 CDFA is committed to exploring the use of biological control in the PDCP. A description of the biological control program and the current challenges facing researchers in rearing large quantities of glassy-winged sharpshooter natural enemies is provided on pages 4-16 through 4-23 of the Draft EIR.

B14-263 The production of natural enemies of the glassy-winged sharpshooter currently depends on the availability of eggs of the host species. Production of glassy-winged sharpshooter egg masses is currently expanding.

**LETTER
B15**

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MAY 21 2002
STATE OF CALIFORNIA
DEPARTMENT OF GENERAL SERVICES

May 16 2002

Susan Stratton, Sr. Environmental Planner
Dept. of General Services
Real Estate Services Division, Professional Services Branch
P.O. Box 989052
West Sacramento, CA 95798-0052

Re: Draft Environmental Impact Report for the Pierce's Disease Control Program (DEIR)

Dear Ms. Stratton,

This comment letter is made on behalf of Californians for Alternatives to Toxics (CATs), a public interest organization that advocates for the well-being of our membership in relation to environmental activities involving or leading to the use of pesticides. CATs has advocated for reform of pesticide use in California since 1982.

We and other members depend for our livelihood, health, culture, and well-being on the health and productivity of viable ecosystems in California. Many of our members live where the Gليسy-winged Sharpshooter has infested or threatens to infest agricultural lands, landscaped plantings in public and private areas and wild areas of the state.

CATs is concerned about the potential ecological, health and economic impacts associated with invasive species. CATs urged the US Department of Agriculture (USDA) for its promulgation of regulations that involved unacceptable risk of introducing harmful exotic species due to the import of raw wood articles from outside North America. We believe that the key to stopping invasive species is prevention of their introduction in the first place and that California Department of Food and Agriculture (CDFA) and, in particular, the USDA, continue

¹ [Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02](http://www.alternatives2toxics.org)

² [Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02](http://www.alternatives2toxics.org)

to fail in their mission to prevent introductions of harmful species. The current Pierce's Disease Control Program Draft Environmental Impact Report (DEIR) is symptomatic of the minister that prevents success in the field of prevention of pest introduction because it focuses on short term, quick solutions, here at considerable price to the public, to avoid tackling the big issues.

As Dahlstrom et al point out in Eradication of Exotic Pests "The direct monetary costs of eradication programs are borne by taxpayers, whereas the beneficiaries are primarily agricultural...because urban centers are the point of introduction of many exotic pest species and consequently are eradication sites, the health and environmental costs are concentrated in highly populated areas." (Yale University Press 1989)

The state has tremendous powers when it comes to dealing with pests that threaten agriculture: it can force its way onto private property and force the use of chemical pesticides regardless of the property owner and/or resident's will. Because of this the political reality is that people deserve to be fully informed of the various forms and ramifications of the proposed project. It is also required under the California Environmental Quality Act (CEQA) to so fully inform.

Unfortunately, the DEIR is fatally flawed and fails outright to comply with CEQA. It does so in part by failing to

1) analyze the project to the detail necessary if it is to serve as a pragmatic EIR.

There is no indication in the DEIR that any future site-specific project EIRs or negative declarations are anticipated for the Pierce's Disease Control Program (PDCP). If this document is to serve as a program EIR it must be very detailed. Including enough site-specific information to allow CDFA to plausibly conclude that, in analyzing "the big picture," the EIR addressed enough detail to allow informed site-specific decisions within the program. There are no performance standards or objectives set forth that can be translated into site-specific mitigation measures. We could not find any reference to an environmental checklist or similar device to document the evaluation of a specific site and the ability to determine whether the environmental effects of the operation were covered in the program EIR. The flaws of the model/sample county workplans, which are detailed later in these comments, include

B15-1

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(cont.)

lack of adequate detail to fulfill the role of environmental checklist as the site-specific evaluation, performance standard or objective.

"A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible." (CEQA Guidelines § 15168, subd. (c)) For projects of unusual scope or complexity — as surely describes the present DEIR for a statewide program with significant public opposition, involving public and private lands, agriculture, rights-of-way, nurseries, wildland landscaping, scores of pesticides and the potential for the introduction of even more nonnative insect species — the draft EIR can be up to 300 pages (CEQA Guidelines § 15141), which this one, at 136 pages, falls far short. If this is indeed a programmatic EIR, the draft has failed to comply with CEQA and needs to be redrawn because it is nowhere near dealing with the effects with any specificity and comprehensiveness, as detailed further in this letter.

If this is not intended as a programmatic EIR, what is it?
 2) act as an "informational document that is to be used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project." (pg 4-2 DEIR)

Despite this assertion, the DEIR recommends approval of a specific alternative throughout the document and assumes the approval of the project. The DEIR admits at pg 1-1 that the "proposed program to be evaluated in this EIR is an extension of an ongoing emergency program." As a result of this mode of extending thinking and planning done already for the earlier project and based on a hurry-up, emergency mindset, the ensuing document is a post hoc rationalization of what CDFA has done all along: require that pesticides be sprayed wherever GWSS is found regardless of many environmental and human health concerns.

To be sure, the state legislature enacted legislation creating the PDCP within CDFA. (Food & Ag. Code § 6046) but the legislation did not exempt the program from compliance with CEQA. In fact, the statute specifically states that "[t]reatment programs shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner." Id. at 6046(h)(4). A review of recent amendments to CEQA in the Pub. Res. Code also reflects no individual statutory exemptions for this program. Nor would the program qualify for any

³ Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02

⁴ Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02

categorical exclusions. Thus the standard CEQA requirements are present for this document.

No significant impacts are identified in the DEIR for the PDCP (Chapter 5) as proposed. As shown later in these comments, this is a faulty and inaccurate conclusion. There ARE likely to be significant impacts that result from the proposed PDCP, thus the proposed alternatives cannot be adequately evaluated as to whether they will avoid or substantially lessen one or more of the significant effects that should have been identified for the PDCP (CEQA Guidelines § 15126.6(c)).

3) provide an adequate project description;

Although a maps depicts the areas at risk, those not at risk, those generally infested and where limited infestations of GWSS are currently located in gross visual terms (Figure 4-1 DEIR) (entire counties are colored one of two colors or none to show the project location), nowhere is there a description of what areas of California's landscape are most the most vulnerable to GWSS infestation due to a) vegetation types or land use, or from b) various means of infestation, that is, from nursery stock, movement of bulk citrus or grapes, freeway landscaping or "natural" spread.

For the first issue described above, California is made up of extremely diverse ecosystems, including mountains and ocean, desert and snowpeaks, cactus and redwood forests. The California Resources Agency web site has an excellent site at <http://ceres.ca.gov/geo-area/bio-region/index.html> where vegetation, land ownership, significant natural resources, watershed information and other information that would be useful for an adequate project description can be accessed.

Even the California Farm Bureau makes a better attempt to describe the habitats most vulnerable to GWSS at its web site <http://www.cfb.org/issues/gwss/threat.htm> where it says "The sharpshooter threatens native plants, shrubs and trees. The natural habitat of the glasswinged sharpshooter in the southeastern United States are forest margins. In coastal California and in the Sierra Nevada, riparian woodlands may prove to be suitable habitat for sharpshooters." Surely more reliable information about habitat vulnerability to GWSS is available and could be put to use describing the current and possible future project area. It is certainly required under CEQA that adequate detail be provided — unless it is planned that

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B15-4

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future environmental documents will do so and this option is never proposed in the DEIR.

The second issue described above centers around how the problem of inadequate project description stems from a lack of evaluation of how the GWSS has spread through the generally infested area, a description of the varying rates of GWSS in the infested area. We have learned from other sources that the GWSS was first found in California in 1990 (DPR Memo 2/7/01 <http://www.cdpr.ca.gov/docs/gwss/hep0207.pdf>) and are sure that there is more reliable information available to CDFA about how long it took the GWSS to spread to the current database coverage. This information is essential to making evaluations on which to base critical decisions about how to prioritize decisions made in the PDCP but it isn't provided.

How rapidly did the GWSS spread through the generally infested area? How infested are the generally infested areas — is everyone's backyard infested or are there hotspots mostly in citrus and wine grape regions? Could the rate of spread already experienced be expected everywhere in the state? How long was the GWSS in the various limited infested areas before being found? a week? a month? months? years? What various factors contribute to that rate of spread? Knowing how long it takes for a small infestation of one or more egg masses to spread would be tremendously helpful in deciding how rapidly a response must be made.

According to U.C. Riverside researcher Matt Blua, GWSS is incapable of high level flight, flying at 3 to 16 feet from the ground.

(<http://cdpr.ucop.edu/news/July-Dec2000/GWSSJulytips.html#Glasswinged%20sharpshooters%20low%20lyzing%20patham%20may%20protect%20farms>) The biology and spread potential of GWSS are critical bits of information necessary for evaluating how hard and fast a response is necessary to a discovered infestation of the pest but yet none of this information is provided or evaluated in the DEIR.

It is of critical importance to understand to what extent various methods of introduction have contributed to the spread of GWSS? How can the agency make a reasoned decision without evaluating the contribution of nursery stock, citrus, bulk grapes, "natural" spread, spread through rights-of-way plantings, or other means to the problem? More mention of these means of spread does not satisfy the requirement to evaluate them. If landscape landscaping in transportation corridors of the California Department of Transportation are contributing to the

B15-4 (cont.)

spread of the disease as has been reported (UC IPM Advisors 1996 <http://www.ipm.ucdavis.edu/default.htm>) this should be described and evaluated in the EIR. It is not, another failure of the DEIR to fully inform regarding significant concerns.

If a localized infestation in a residential neighborhood can be corralled and eliminated in a period of several weeks without undue risk of escape, then using a mixture of Integrated Pest Management (IPM) activities could be very useful. Such an alternative is not considered in the DEIR. Unfortunately, IPM is never seriously considered in the DEIR.

4) to provide an adequate assessment of the risks to human health and the environment.

An evaluation of risks to human health and the environment due to a) the use of pesticides in nonagricultural settings, especially residences and other privately owned properties and public spaces (schools, parks, etc); and b) the use of pesticides in agriculture and plant nurseries due to the requirements of the program is not present in the DEIR.

For the use of pesticides in nonagricultural settings, especially residences and other privately owned properties and public spaces (schools, parks, etc), there is simply no acceptable form of risk analysis. The entire Hazards analysis (Chapter 5.2) relies on the registration process of pesticides to reduce pesticide effects to less than significant, saying that only pesticides registered by the EPA and California Department of Pesticide Registration (CDPR) would be used, all pesticides would be applied according to label requirements and by licensed pesticide applicators, monitoring would be undertaken, and that following the prescribed protocol for pesticide application no adverse human health impacts are foreseeable. (pg 5.2-14)

B15-5

There are several problems with this (absent) analysis. First of all, most of the pesticides described on Tables 4-6 (pg 4-34) and 17-1 (pg A-9) — the only mention made of most of the pesticides that can be and have been used in the PDCP — have not been through the U.S. EPA Reregistration Eligibility Decision (RED) process mandated by Congress to reexamine chemicals previously fraudulently evaluated for registration, thus have not been evaluated for changes that may be required for their labels regarding use. A list of those chemicals is available at <http://www.epa.gov/pesticides/reregistration/status.htm>. Of the active ingredients described on the aforementioned tables, only methiocarb has achieved a RED and it is dated

⁵ Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02

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already. Chlorynfois and acephate have been through Interim REDs. Carbaryl has not yet been through any of the RED process.

Many of the pesticides described on the Tables are Restricted Use Materials according to California except when used according to the California Code of Regulations, Health and Safety Code Section 2800-2805, for exemptions for public nuisance pests, we assume, but are not told in the DEIR, is the case for the PDCP. Are pesticides used in the PDCP exempt from the Restricted Materials provisions of California Code of Regulations, Food and Agriculture Code Division 6 Section 6400?

Regardless of the status of the pesticides in the PDCP, that they were listed as Restricted Materials by the U.S. EPA or CDPR is ample indication of considerable toxicity that warrants such regulatory concern. Restricted Materials include carbaryl, endosulfan and many of the pyrethroids listed in Tables 4-6 and 1-7-1. These chemicals should be, but aren't, analyzed for their toxicity both generally and to special populations including the elderly, children and workers.

Citations to reference papers, charts, toxicity ratings, exposure and environmental criteria are not presented, never mind analyzed, in the DEIR. Even special populations, widely regarded as particularly susceptible to adverse effects from the use of pesticides, including children, the elderly and workers, are not evaluated regarding pesticide use that is and would be a direct result of requirements of the PDCP.

Amazingly, the Hazards section of the Environmental Analysis says that "existing data do no suggest children are substantially more susceptible to chemical injury than are physically mature individuals." The only analysis regarding the potential of children's exposure is in the section regarding their visiting parks sprayed with pesticides for the PDCP (page 5.2-19), which is typically casual about the potential for exposure, saying "Younger children are more likely to touch plantings as they play and explore. It is these activities that provide direct exposure." There is no analysis of how much pesticide could be absorbed by a child through dermal or oral routes, by cumulative exposures over one day or several days in a row or other relevant scenarios, or, especially, what kind of effect could potentially be experienced. These questions will always remain for parents and others entrusted with the care of children. The DEIR, in essence, tells them "Don't worry, CDFA is in charge and everything is OK".

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Though the National Academy of Sciences found in 1993 that children may be more sensitive than adults depending on the pesticide to which they are exposed, the NAS further stated that "Quantitative differences in pesticide toxicity between children and adults are due in part to age-related differences in absorption, metabolism, detoxification, and excretion of xenobiotic compounds...differences in size, immaturity of biochemical and physiological functions in major body systems, and variation in body composition all can influence the extent of toxicity. Because newborns are the group most different anatomically and physiologically from adults, they exhibit the most pronounced quantitative differences in sensitivity to pesticides." (NAS 1993)

A more recent assessment by the U.S. EPA found that "Despite considerable methodological and practical difficulties, a relatively clear picture of the development of xenobiotic-metabolizing enzymes, especially with respect to CYP enzyme levels has been emerging during the past decade...All other studied CYP enzymes are either absent prenatally or present at low levels, the major development occurs postnatally in an enzyme-dependent fashion. There is no consistent pattern of expression of phase II enzymes during the fetal period; some are practically absent and some are close to adult levels...Risk assessment of potential fetotoxicity should follow a defined sequence...although this [present] scheme is obviously incomplete, it should be useful to risk assessors in many situations." (Exploration of Fetal Pharmacokinetic Issues 2001)

The last quote holds the key to understanding how the DEIR fails to analyze the potential for significant effects of the PDCP, and finding none provides mitigations to protect human populations, especially the elderly, children, immune compromised people and others. It simply avoids doing a risk assessment that would help define potential problem areas that may need to be mitigated.

Due to the special nature of enzyme production in pre and post natal children, pesticides that effect enzymes are of particular concern for children and should be addressed in a risk assessment. EPA is concerned enough about the exposure of children to neurotoxic pesticides that it has initiated a call-in for data regarding pesticides thought to have neurotoxic effects for acute, subchronic, and developmental neurotoxicity studies. The list of chemicals includes virtually all the pesticides listed on Tables 4-6 and 1-7-1. One, chlorynfois, is among

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the first to be selected based on its known neurotoxicity concerns. (EPA, "New Data will Help Ensure Protection of Children," 8/99)

Enzyme Inhibition is the cornerstone of organophosphate and even the less toxic pyrethroid pesticides. Organophosphate and carbamate pesticides, including all of those listed in the DEIR on Tables 4-6 and 17-1, actually interfere with nerve function. Earlier toxicologists thought this effect was limited to insects, but the effect in mammals is now well established. (Squibb, U of Maryland 2002) How children could be affected by the use of nerve toxins required by California's PDCP is never described or evaluated. This is a serious flaw of the DEIR and demonstrates its failure to comply with CEQA.

Referring to the Healthy Schools Act does not in itself provide an evaluation of the impacts to human health or risk assessment of what could reasonably be expected to occur from using pesticides where children attend school. Why would applications of school grounds or day care centers take place to avoid fires when schools in session? It seems that this is part of CDFA's measures to "ensure that schools, day care centers and similar places would be given special consideration scheduling pesticide treatments, which would further limit the potential for pesticide exposure." (page 5.2-17) Yet how this would be "ensured" is not clear. There are times that pesticides would be applied when school grounds are occupied, and schools and day care centers "may instruct children to avoid treated plantings when on the playground." (page 5.2-18) Allowing pesticide use when school grounds are occupied and requiring only that school and day care administrators "may" instruct children to avoid treated plantings indicate activities and requirements that fall far short of "ensuring" the limitations on exposure that CDFA claims will protect children.

The U.S. EPA is concerned that children may be especially sensitive to pesticides for several reasons "their internal organs are still developing and maturing, in relation to their body weight, infants and children eat and drink more than adults, possibly increasing their exposure to pesticides in food and water and certain behaviors — such as playing on floors or lawns or putting objects in their mouths — increase a child's exposure to pesticides used in homes and yards." The EPA goes on to describe that "there are "critical periods" in human development when exposure to a toxin can permanently alter the way an individual's biological system operates." (EPA, "Why Children May Be Especially Sensitive to Pesticides", 2002) These "critical periods" are often likely to occur when children are in day care or schools. They may

⁹ Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02

¹⁰ Californians for Alternatives to Toxics, Pierce's Disease Control Program DEIR 5/17/02

also occur when children are living in their homes and playing in vegetation recently sprayed with pesticides for the PDCP. These potential exposures and special population features need to be analyzed. Relying on the registration of pesticides simply is not adequate as EPA's call-in for data on neurotoxic pesticides demonstrates.

Though much is made in the DEIR of ensuring that restricted entry intervals are adhered to consistent with pesticide label specifications and that this will help protect children, there is no mention that identity specifications are made for workers, not children. (pg 5.2-18). Furthermore, the PDCP relies on public notification procedures as part of the limit the potential to pesticide exposure of children to reduce health hazards to less than significant. Yet, it is widely known that young children often cannot read or understand signs that would be part of the notification process. There is no way to "ensure" protection of children from the effects of pesticides used in the PDCP because there is no adequate analysis of exposure scenarios, no risk assessment and no adequate restriction of pesticide use around children.

B15-7 (cont.)

There is no evaluation of health impacts from using pesticides in retirement communities or other residential areas where the elderly reside though Aging reduces the reserve capacity that is available to adapt to environmental changes. The reduced ability to increase cardiac output and the loss of reserve glomerular filtration rate (GFR) capacity are two important examples. Elderly individuals will function well challenged by a stressor for which normal adaptive processes are no longer available. Superimposed on these normal physiological changes are the effects of chronic diseases, the potential toxic effects of various drugs used to treat these chronic diseases, the increased probability for adverse drug interactions, and changes in nutritional status among the elderly. Any estimation of the potential effects of environmental toxins on the elderly must take each of these circumstances into consideration.

(U.S. EPA, "Exploration of Aging and Toxic Response Issues" 2001).

Workers too are at increased risk of adverse effects from pesticides used as a result of the PDCP. Of farmworkers with occupational contact to pesticides, almost all examined workers exhibited alterations in cell immunity, the absolute counts of T-lymphocytes and helper-T cells decreased on an average 3-fold. More than half of the farmers showed deviations in humoral immunity, 42% exhibited decreases in B-lymphocytes counts and 81% showed hyperproduction of IgA, showing that farm workers with a long duration of occupational and residential pesticide contact have immunosuppression. (Kovitluh 2001)

In 1998, California found that 92% of reported and confirmed pesticide illness reports were due to occupational exposures. Furthermore, preliminary review of episodes involving pesticide sprayers utilizing backpack sprayers is an area of concern. "Pesticides frequently leak, drip, or splash onto the applicators." DPR is analyzing the situation to determine if it warrants regulatory intervention. (CDPR 2/2000). This is significant because many of the pesticides applications in the PDCP will be done with backpack sprayers. How will the PDCP be able to analyze field data about worker exposure without a risk assessment based on current understanding of pesticide exposure for workers and non workers potentially exposed to pesticides in the program? If more information becomes available about the effects of backpack spraying for the PDCP, how will adjustments and monitoring be able to effect the program if no risk assessment has been done to set guidelines and limits for pesticide exposure?

B15-7 (cont.)

Caltrans workers were exposed to pesticide levels within guidelines set by the EIR on Caltrans' Vegetation Control Program except in certain circumstances involving inadequate use of protective gear and specific application procedures. (CA EPA, HS-1700 1995) This level of risk evaluation of worker exposure and the attendant ability to change the way the Caltrans' workers were applying pesticides in order to keep them within a certain margin of safety was due entirely to the fact that Caltrans had conducted a serious risk assessment. (Caltrans 1991)

The Appendix I Risk Assessment for the Caltrans' Vegetation Control Program is larger than the entire PDCP DEIR and its Appendices. The PDCP, like the Caltrans Vegetation Control Program, is statewide, involves numerous pesticides and is used under several different circumstances. The PDCP, however, is far more complex in nature, involves numerous agricultural enterprises and non agricultural settings, neurological pesticides for which the EPA admits there needs to be more data due to their toxicity, involves pesticide application not on a roadside but often in the playgrounds and backyards of children, the elderly and immune compromised or otherwise unwell individuals. Because of its complexity, the potential for exposure of humans and the environment in many different exposure scenarios and the toxicity of the pesticides, the current EIR needs to have a risk assessment at least equal to the one produced by Caltrans. With the passage of a decade of accelerated information regarding the effects of pesticides, the PDCP risk assessment would be able to provide even more

accurate and defining guidelines than did the Caltrans' EIR.

Without a risk assessment on the scale on that of the Caltrans' EIR, how will the PDCP be able to evaluate worker or residential exposures adequately and make adjustments to the program to reduce adverse pesticide impacts?

The National Academy of Sciences described estimating the risks of dietary exposure to pesticides of infants and children. The attached reference describes general principles of risk assessment, saying, "For many kinds of agents and end points, toxicity is manifest only after the depletion of a physiological reserve. In addition, the biological repair capacity of many tissues can accommodate a certain degree of damage by reversible toxic processes. Above this threshold, however, the compensatory mechanisms that maintain normal biological function may be overwhelmed. The threshold concept proposed that an acceptable daily intake could be calculated for chemical contaminants in human food. (NAS 1993) Risk assessment now commonly considers the cumulative values of pesticide exposures in establishing risk levels. This is the type of risk assessment needed for the EIR.

The EPA notes that risk assessments are done to establish whether an ecological risk exists or not, to identify the need for additional data collection and to focus on the dangers of a specific pollutant or the risks posed to a specific site. Risk assessment has three primary components: ecological risk assessment, exposure assessment, and human health risk assessment. (EPA 5/02) None of these have been done anywhere in the form of what is widely regarded as acceptable risk assessment.

5) to explore IPM for use in the PDCP.

IPM measures could include using a mixture of the alternative control measures that are individually dismissed as ineffective at page 8-12 and 8-13. An IPM alternative is never adequately discussed, in opposition to California's stated goals despite the fact that in 1979, the University of California Statewide IPM Project (UCIPM) was approved as a special legislative appropriation. The legislature specified that in addition to funding short-term research, the University would hire a group of Extension IPM Specialists to implement IPM, write a series of IPM manuals, and develop a computer network for delivering pesticide registration information, management guidelines, and predictive models. UC Riverside nematologist Ivan Thomason

was named Project Director, and Andrew Gutierrez Associate Director. Project staff was recruited during 1980, and funds were first available for research that field season. The stated goals of the IPM Project are to:

- reduce the pesticide load in the environment;
- increase the predictability and thereby the effectiveness of pest control techniques,
- develop pest control programs that are economically, environmentally and socially acceptable,
- increase the utilization of natural pest controls. (F G Zalom, "California's Integrated Pest Management Program", California Statewide IPM Project, <http://ipmworld.unm.edu/chapters/zalom.htm>)

The University of California has invested considerable effort in developing citrus IPM programs to reduce broad spectrum pesticide use. "Currently, there is extremely high (98%) adoption of IPM in California citrus when IPM is defined by the use of careful monitoring techniques and use of economic thresholds to trigger treatments." (Regents of the U of CA 2002) What effect would the PDCP have on this important program? Will treatments in citrus by pesticides that adversely affect beneficial insects be limited in the PDCP to enhance IPM practices? Can this type of decision be made without program-specific risk assessment? There is no scientific evidence to support the concept that mere registration of a pesticide and dependence on a pesticide application being at all times done to the required level of correctness will reduce to an insignificant level the impacts of pesticides. The impact on IPM in various agricultural settings should be analyzed so that, if possible, the impacts can be mitigated to the extent reasonable and possible.

For pesticides described in Tables 4-6 1.7-1 and analyzed to an extremely limited degree in Appendix F, DEIR, pyrethroids are not adequately analyzed. As the evidence below demonstrates, there needs to be an analysis of the individual pyrethroids that takes into account various toxicity endpoints and other relevant data. Supporting this notion are the immediate toxicological concerns regarding bifenthrin which is considered a possible human carcinogen by the U.S. EPA and resmethrin which is listed by California as a developmental toxin under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65).

1. Table 4-6 and 1.7-1:

CATs Table 1. Pyrethroids:

Pyrethroids	Restricted Material	Toxic Class	Carcinogen Class	Reproto/Develo.	Mutagenicity	Neurotoxicity	Environmental Fate: Water/Soil/F/Intg/Persistence	Degradate/Metabolite	Bioaccumulation Pnts	
Aldelathrin	Not Restricted (1)									
Bifenthrin	Restricted Material (1)	Class II moderately toxic (3)	C (3)	Reproductive no observed effect level (NOEL) female rabbit= 2.67mg/kg/day. Reproductive and developmental NOEL, mouse 1mg/kg/day. Developmental NOEL for ratlets >8 mg/kg/day (5).	Inconclusive (5)	Affects the cholinergic enzymes in nerves, over stimulating nerve cells causing memory and paralysis (5).	HL: orache= 276 days, HL of soil= 147 days (2). HL in soil = 7 days to 8 months (6).	No absorbed by plant leaves, roots, stems and flowers in plants (5). Some bifenthrin is absorbed by plants (6).	Stable at 25 degrees C in pH 5.7 & 9 (2). Man-break-down products 2-methyl-3-phenyl-benzyl alcohol, 2-acetyl-3-methyl-2-phenyl-propanoic acid, 2-methyl-3-phenoxybenzaldehyde, 4-hydroxy-bifenthrin and cis/trans-4-(2-chloro-3,3-difluoro-1-propenyl)-3-(dimethylaminocarbonyl)-acrylic acid (5).	Fish= 2119K, 9729X, 6094X (2). Very lightly toxic to fish, LC50= 0.00015 mg/l for rainbow trout, 0.00035 mg/l for bluegill, 0.0016 mg/l for daphnia (5). LC50= 0.10-0.13 ppb for aquatic organisms (6).
Cypermethrin	Restricted Material (1)	It is II- moderately toxic or Class I (10)	I (no evidence of carcinogenicity in rats or mice (10)	Reproductive NOEL of 50 ppm (2 mg/kg/day), and a Low Observable Effect Level (LOEL) of 1.50 ppm (7.5 mg/kg/day) (10).	Was negative for carcinogenicity system (10).	Negative effects on the nervous system (10).	HL: water= 4.5 days, HL: soil= 5.3 days (2).	Cypermethrin is broken down to 4-(2-chloro-3,3-difluoro-1-propenyl)-3-(dimethylaminocarbonyl)-acrylic acid (10).	pH7 and 9: 2-hydroxybifenthrin (2). Primary breakdown products=cis/trans-3,3-dimethyl-2-phenyl-benzaldehyde and 4-(2-chloro-3-phenyl-benzaldehyde (10).	Fish= 354,684,792 (2)
Lambda-cyhalothrin	Not Restricted Material (1)									
Resmethrin	Restricted Material (1)	Class II moderately toxic (7)	C (3)	Reproductive NOEL= 37.5 mg/kg/day. This is the highest dose tested (1).	Shows no mutagenic effects (7).	Adversely affects the nervous system (3).	HL: water= 16.2 days, HL: soil= 55.5 days (2).	pH9: cis-and trans-3-(2,2-dichlorovinyl)-2,2-dimethylcyclowspene carboxylic acid (DCVAC) (2).	Fish= 161,33,444 (2). Very highly toxic to fish, LC50= 0.0006 mg/l for rainbow trout, 0.0015 mg/l for bluegill, 0.002 mg/l for carp, and 0.0032 mg/l for goldfish (2).	

B15-9 (cont.)

B15-8 (cont.)

B15-9

B15-9
(cont.)

Pyrethrin + PBO	Restricted Material (1)		Delayed (3)					
Resmethrin	Restricted Material (1)		None (3)	Developmental Toxicity (4)				
Tau-Fluvalinate	Not Restricted, but Tau-Fluvalinate is (1)							
Terpenophenols	Not Restricted (1)		C (3)					
Imidacloprid	Restricted Material (1)	?	N/P: No IARC; No CAS#; No. There is no indication of carcinogenicity in rats or mice from lifetime exposure (15).	Decreased pup body weight gain as the only developmental effect observed in two generation reproduction study in rats (15). There were no effects on fertility in this study (15).	In mutagenic (14).	Overexposure to imidacloprid can cause irritation to mucous membranes, headache, dizziness, unconsciousness and other central nervous system effects (15).	HL water= 1 hour and little degradation in soil (2).	Not significantly hydrolyzed in pH 3,6,7,8. 10% cyclization from the S to R isomer is pH 9 (2).

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B15-9
(cont.)

Debunethrin	Restricted Material (1)	?	No information available (1).	Reproductive NOEL = >2.5 mg/kg/day (11).	No mutagenic effects on microorganisms, mice, rats, and rabbits (11).	Rapidly paralyze the insect nervous system giving quick knockdown effects. Mode of action is unknown, or at least one mechanism in higher nerve centers of the brain (11).	Approx. stable, HL= 30 days in water and 8-9.1 days in soil (2). In pond water it rapidly degrades by photolysis, in addition to uptake by plants and evaporation into the air. HL soil = 1-2 weeks.	pH=3: phenoxybenzaldehyde (2)	Pesticide 28X, 364UX, 298X (2). In laboratory trials, the LC50= 1-10 mg/l for fish (11).
Eteclopyroconazole	Not Restricted (1)	Class II - moderately toxic (8)	E (3)	Reproductive NOEL = 12.5 mg/kg/day. No mutagenic effects. Developmental NOEL = 50 mg/kg/day (9).	Shows no mutagenic effects (8).	Is a nervous system poison. Neuro damage = 4000 mg/kg/day in a 13-week, subchronic feeding study in rats and 3 NOEL = 25 mg/kg/day (9).	HL water= 10-220 days. HL soil= 3 months (9). Not on damage = 2-4 weeks (8). Highest concentration tested = 400 ppm (9).	Breakdown in the soil major final product (9).	Pesticide 18L-0.22 ppm (2). Pesticide 1C54= 0.0003 mg/l for bluegill, 0.0003 mg/l for rainbow trout, 0.001 mg/l for carp, and 0.002 mg/l for striped bass (1).
Fenpropidin	Restricted Material (1)	Class II - moderately toxic (12)	E (3)	Developmental toxicity for the material NOEL = 0.4 mg/kg/day, maternal LD ₅₀ = 2 mg/kg/day, developmental NOEL = > 10 mg/kg/day. Developmental Toxicity for rabbits the maternal NOEL = 4 mg/kg/day, maternal LD ₅₀ = 12 mg/kg/day, developmental NOEL = >36 mg/kg/day (12).	Not found to be mutagenic (12).	Delayed neurotoxicity at < 4000 mg/kg/day x 5 (12).	HL water= 4.3-19.5 days. HL soil= 221-995 days (2). No concerns at this time of environmental fate and surface and ground water contamination. HL of water in surface conditions 33-34 days; Not absorbed by foliar absorption (12).	pH=2-3-3: brominated-bicyclo[2.2.1]heptane carboxylic acid (TMFA). pH 3.7 is stable (2). Degradates to desphenyl-fenpropidin and other sulfur metabolites which further degradation to carbon dioxide (12).	Pesticide 20XX, 360V, 100X (2). 100-2.3 ppb for rainbow trout, LC50= 1.2 ppb for bluegill, LC50= 5.5 ppb for channel catfish, LC50= 31 ppb for sheepshead minnow (12).
Permethrin	Restricted Material (1)	Class II - moderately toxic and Class I (14).	C (Q), 3 (ARC) (3).	The fertility of female insects was affected when other insecticidal doses of 250-750 mg/kg/day, methoprene during the 1st through 10th day of pregnancy (14). Studies with pregnant ticks, rats, and rabbits provided no evidence of a primary action of permethrin development. For rats the NOEL = 180 mg/kg of body weight per day, permethrin did not show any effect on reproduction (13).	Shows no mutagenic effects (14).	Paralyze nervous system of insects, producing a "knockdown" effect on insect post populations (14).	HL water= 79-718 days. HL soil= 30 days (2). HL water= 2-5 days and 4.6 days in soil (1). HL water= 2 weeks (1).	Cat and mouse Permethrin stable to hydrolysis at pH 5,7,7,8. Product 3-phenoxybenzyl alcohol for rainbow trout, 48 Hours LC50= 1.8 ug/l for bluegill fish. LC50= 12.5 ppb for trout and 10 ppb for bluegill (13).	Pesticide 310-1000X, 570-640X, 181-230X (2). 24 hours LC50= 12.5 ppb and 48 hours LC50= 5.4 ug/l for rainbow trout, 48 Hours LC50= 1.8 ug/l for bluegill fish. LC50= 12.5 ppb for trout and 10 ppb for bluegill (13).
Phosmet	Not Restricted (1)								

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EcoToxNotes of CATs Table I. Pyrethroids:

1. DPR Restricted Use Materials: www.spa.gov/oppsnsd1/ResIPcd/rupapt02.htm
2. FIFRA Scientific Advisory Panel Meeting Held in 1989; <http://www.spa.gov/scipoly/sap1/1989February/pyreth.pdf>
3. USEPA, Office of Pesticide Programs List of Chemicals Evaluated For Carcinogenic Potential, Pg. 1-31, 6/10/98.
4. State of California EPA, Office of Environmental Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986, Chemicals Known to the State to Cause Cancer or Reproductive Toxicity, Prop 65, 03/15/02
5. EXTOXNET, "Bifenthrin", Cornell University, 9/85, Pg. 1-2
6. US Dep. Of Agriculture, Forest Service by Information Ventures, Inc., "Bifenthrin Pesticide Fact Sheet", Nov. 1985, Pg.1-8
7. EXTOXNET, "Cypermethrin", Cornell University, 06/96, Pg. 1-3.
8. EXTOXNET, "Esfenvalerate", Cornell University, 06/96, Pg. 1-4.
9. US Dep. Of Agriculture, Forest Service by Information Ventures, Inc., "Esfenvalerate Pesticide Fact Sheet", Nov. 1995, Pg. 1-8
10. Extoxnet Pip. [Cyfluthrin] Extoxnet, Extension Toxicology Network, Pesticide Information Profiles: Cornell University, Pg. 1-3; 2002
11. EXTOXNET, "Deltamethrin", Cornell University, 09/95, Pg. 1-4.
12. "Fenpropathrin (Danitol) Chemical Fact Sheet", Cornell University, 03/01/2001.
13. US Dep. Of Agriculture, Forest Service by Information Ventures, Inc., "Permethrin Pesticide Fact Sheet", Nov. 1995, Pg. 1-10.
14. EXTOXNET, "Permethrin", Cornell University, 12/19/2001, Pg. 1-6,
15. SCOUT X-TRA Insecticide Material Safety Data Sheet, "Tralomethrin", 11/100, Pg. 1-7
16. ARS Pesticide Properties, "Tralomethrin", AR USDA, 05/95.

It is important to be able to interpret Table 4-6 and 1.7-1 because these are the only places in the entire DEIR were all the chemicals that currently are allowed to be used in the program are identified.

1. DPR Restricted Use Materials: www.spa.gov/oppsnsd1/ResIPcd/rupapt02.htm
2. FIFRA Scientific Advisory Panel Meeting Held in 1989; <http://www.spa.gov/scipoly/sap1/1989February/pyreth.pdf>
3. USEPA, Office of Pesticide Programs List of Chemicals Evaluated For Carcinogenic Potential, Pg. 1-31, 6/10/98.
4. State of California EPA, Office of Environmental Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986, Chemicals Known to the State to Cause Cancer or Reproductive Toxicity, Prop 65, 03/15/02
5. EXTOXNET, "Bifenthrin", Cornell University, 9/85, Pg. 1-2
6. US Dep. Of Agriculture, Forest Service by Information Ventures, Inc., "Bifenthrin Pesticide Fact Sheet", Nov. 1985, Pg.1-8
7. EXTOXNET, "Cypermethrin", Cornell University, 06/96, Pg. 1-3.
8. EXTOXNET, "Esfenvalerate", Cornell University, 06/96, Pg. 1-4.
9. US Dep. Of Agriculture, Forest Service by Information Ventures, Inc., "Esfenvalerate Pesticide Fact Sheet", Nov. 1995, Pg. 1-8
10. Extoxnet Pip. [Cyfluthrin] Extoxnet, Extension Toxicology Network, Pesticide Information Profiles: Cornell University, Pg. 1-3; 2002
11. EXTOXNET, "Deltamethrin", Cornell University, 09/95, Pg. 1-4.
12. "Fenpropathrin (Danitol) Chemical Fact Sheet", Cornell University, 03/01/2001.
13. US Dep. Of Agriculture, Forest Service by Information Ventures, Inc., "Permethrin Pesticide Fact Sheet", Nov. 1995, Pg. 1-10.
14. EXTOXNET, "Permethrin", Cornell University, 12/19/2001, Pg. 1-6,
15. SCOUT X-TRA Insecticide Material Safety Data Sheet, "Tralomethrin", 11/100, Pg. 1-7
16. ARS Pesticide Properties, "Tralomethrin", AR USDA, 05/95.

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(cont.)

II. Pierce's Reference (FIFRA):

The reference "Environmental Fate Assessment for the Synthetic Pyrethroids" by: FIFRA Scientific Advisory Panel Meetings Held in 1989 (FIFRA reference); is supposed to support the information about the pyrethroids identified in Table 4-6, but which are inadequately analyzed as a generic group in Appendix P of the DEIR. The FIFRA reference is missing citations, bibliography, and footnotes. It is unclear where the data and analysis comes from, ie the study.

- a) Fish bioaccumulation- In the Fish Bioaccumulation section of the FIFRA reference (Pg. 28-32) it is unclear what the exact concentration of the pyrethroid is within the fish tissue. Instead of listing the concentrations in a LD 50 with ppm, ppb, mg/l or ug/l the concentrations are listed as bioconcentration factors, such as 2110X, 8720X etc. Only one of the pyrethroids, esfenvalerate is listed as having a concentration in ppm. Otherwise it is difficult to understand how 2110X relates to LD 50, which is a common scientific term in referring to bioaccumulation.
- b) Volatility from water and soil- The Volatility From Water and Soil section (Pg 32-34) is unclear in that each of the pyrethroids has varying vapor pressures, such as bifenthrin with 1×10^{-4} torr compared to tralomethrin with 1.3×10^{-13} , but are said to have potentially low volatilization from soil and is lower due to its relatively high soil/water partitioning. These pyrethroids have varying vapor pressure that would greatly affect the rate of volatilization, which is not analyzed or pointed out.
- c) Missing data/information- The FIFRA reference is inconclusive in that it does not include all

of the pyrethroids to be used in the study (listed in table 4-6). The pyrethroids in the FIFRA reference include: bifenthrin, cyfluthrin, permethrin, deltamethrin, esfenvalerate, fenpropathrin, permethrin, and tralomethrin. Other pyrethroids on table 4-6 that were not included in the FIFRA reference include: allethrin, lambda cyhalothrin, phenothrin, pyrethrin + PBO, resmethrin, tau-fluvalinate, and tetramethrin. It is important that all of the pyrethroids be included in the analysis because they all vary. Even though the pyrethroids have many similarities they do have many differences. This concludes that the EIR should not lump all of pyrethroids together and analyze a select few. But rather, in the EIR the pyrethroids should be analyzed individually. Also included in the FIFRA reference are three pyrethroids that are not listed in the EIR, which are fenvalerate, cyhalothrin, and teffurithrin. It is unclear why these pyrethroids are included if they are not being used in the project. Furthermore, the pyrethroid esfenvalerate is not included in all the analysis of the FIFRA reference, for instance it is only analyzed within the sections: Aerobic Soil Metabolism, Adsorption/Desorption, Fug Bioaccumulation, and Terrestrial Field Dissipation, while excluded from the sections Hydrolysis, Aqueous Photolysis, Photodegradation on Soil, Anaerobic Soil Metabolism, and Volatility from Water and Soil. Esfenvalerate needs to be included in all of the sections just like the other pyrethroids being analyzed. In order to be comprehensive,

c) Missing topics/sections to analyze- Overall the FIFRA analysis does not analyze important topics, which are in most scientific pesticide fact sheets such as those produced by Cornell University (Extoxnet) and the US Department of Agriculture, Forest Service (Pesticide Fact Sheet). These topics include: carcinogenicity, reproduction/development, mutagenicity, and neurotoxicity. For a complete analyze of the pyrethroids in the FIFRA reference, these topics should be added.

e) Contradictory information- The analysis on the Environmental Fate (Water and Soil), and Degradates/Metabolites of the pyrethroids in the FIFRA reference is contradictory to Cornell University (Extoxnet), the US Department of Agriculture, Forest Service, and Scott X-TERRA analysis. For instance, (refer to excel table) the pyrethroid bifenthrin in the FIFRA reference is stated as having a half-life of 276 & 417 days in water and a half-life of 147 days in the soil. Conversely, the US Department of Agriculture "Bifenthrin Pesticide Fact Sheet" states that the half-life of bifenthrin in soil is 7 days to 8 months, which is much longer than 147 days. Another example is Cyfluthrin were FIFRA reference states the half-life of bifenthrin in water is 4.5 days and 5.3 days in soil, while Cornell University in EXTOXNET "Cyfluthrin" stated the half-life of

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bifenthrin in water is 1 day and 48-72 hours in soil. These contradictions continue for every pyrethroid analyzed in the FIFRA references. Also the FIFRA reference fails to include the environmental fate of bifenthrin within the foliage.

Likewise in the section on degradates/metabolites the FIFRA reference has different degradates than Cornell University and the US Department of Agriculture. For example, (refer to excel table) in FIFRA references the degradates are: 3-phenoxylbenzyl alcohol and DCVA, while in the US Department of Agriculture "Permethrin Pesticides Fact Sheet" the degradates are carbon dioxide, trans-3-(2-(3-dichlorophenoxy)-2,2-dimethylpropenoate)carboxylate (trans-DCVA), and 3-phenoxylbenzoic acid. These contradictions continue for the majority of the pyrethroids.

III. Other Pierce's References:

Other references in the DEIR for pyrethroids include the "Environmental Fate of bifenthrin" by CDPR, "Environmental Fate of cypermethrin" by CDPR, and "List of Toxicology Summaries" by CDPR. These references don't include all of the pyrethroids that are planned for use in the EIR. (table 4-6).

IV. Conclusion: On the whole the excel sheet not only shows that there are problems within the analysis of the FIFRA references, but that the pyrethroids while having many things in common also have many differences. This demonstrates that the EIR cannot lump all of the pyrethroids together and assume that analyzing eight of the pyrethroids is conclusive. Moreover, the analysis given on those eight pyrethroids is not comprehensive and needs more information on the pyrethroids.

i. Table 4-6 and 1-7-1:

It is important to interpret Table 4-6 and 1-7-1 because these are the only places in the entire EIR where all the chemicals that currently can be used in the program are identified.

Table 4-6 (Pg. 4-34) is difficult to interpret. The active ingredients in Table 4-6 are lacking classification regarding type of pesticide, ie pyrethroid, carbamate, thiazine, organophosphate etc. Lambda cyhalothrin is misspelled; the correct spelling is lambda cyhalothrin. Dimilin and Kinoprene do not have a California Department of Pesticide Registration (CDPR) code, therefore are hard to find on the CDPR database. Dimilin, as the pesticide is noted in the

Table 4-6, is actually a product formulation, not an active ingredient. The active ingredient for dimilin is diflubenzuron.

II. Pierce's Reference (FIFRA): The reference "Environmental Fate Assessment for the Synthetic Pyrethroids" by FIFRA Scientific Advisory Panel Meetings Held in 1999 (FIFRA reference) is given to support the information about the pyrethroids identified in Table 4-6. Pyrethroids however are inadequately analyzed as a generic group in Appendix P of the EIR. The FIFRA reference is missing citations, bibliography, and footnotes. It is unclear where the data and analysis comes from.

- Fish bioaccumulation- In the Fish Bioaccumulation section of the FIFRA reference (Pg. 29-32) it is unclear what the exact concentration of the pyrethroid is within the fish tissue. Instead of listing the concentrations in a LD 50 with ppm, ppb, mg/l or ug/l the concentrations are listed as bioconcentration factors, such as 2110X, 8720X etc. Only one of the pyrethroids, esfenvalerate is listed as having a concentration in ppm. Otherwise it is difficult to understand how 2110X relates to LD 50, which is a common measure of acute toxicity in many scientific papers.
- Volatility from water and soil- The Volatility From Water and Soil section (Pg. 32-34) is unclear in that each of the pyrethroids has varying vapor pressures, such as bifenthrin with 1×10^{-4} torr compared to tralomethrin with 1.3×10^{-13} , but are said to have potentially low volatility from soil and is lower due to its relatively high soil/water partitioning. These pyrethroids have varying vapor pressure that would greatly affect the rate of volatilization, which is not analyzed or pointed out.
- Missing data/information- The FIFRA reference is inconclusive in that it does not include all of the pyrethroids to be used in the study (listed in Table 4-6). The pyrethroids in the FIFRA reference include: bifenthrin, cypermethrin, deltamethrin, esfenvalerate, fenpropathrin, permethrin, and tralomethrin. Other pyrethroids on table 4-6 that were not included in the FIFRA reference include: allethrin, lambda cyhalothrin, phenothrin, pyrethrin + PBO, resmethrin, tau-fluvalinate, and tetramethrin. It is important that all of the pyrethroids be included in the analysis because they all vary. Even though the pyrethroids have many similarities they do have many differences. This concludes that the EIR should not lump all of pyrethroids together and analyze a select few. But rather, in the EIR the pyrethroids should be

analyzed individually. Also included in the FIFRA reference are three pyrethroids that are not listed in the EIR, which are fenvalerate, cyhalothrin, and tefluthrin. It is unclear why these pyrethroids are included if they are not being used in the project. Furthermore, the pyrethroid esfenvalerate is not included in all the analysis of the FIFRA reference, for instance it is only analyzed within the sections: Aerobic Soil Metabolism, Adsorption/Desorption, Fish Bioaccumulation, and Terrestrial Field Dissipation, while excluded from the sections Hydrolysis, Aqueous Photoysis, Photodegradation on Soil, Anaerobic Soil Metabolism, and Volatility from Water and Soil. Esfenvalerate needs to be included in all of the sections just like the other pyrethroids being analyzed, in order to be comprehensive.

- Missing topics/sections to analyze- Overall the FIFRA analysis does not analyze important topics, which are in most scientific pesticide fact sheets such as those produced by Cornell University (Extoxnet) and the US Department of Agriculture, Forest Service (Pesticide Fact Sheet). These topics include: carcinogenicity, reproduction/development, mutagenicity, and neurotoxicity. For a complete analysis of the pyrethroids in the FIFRA reference, these topics should be added.
- Contradictory information- The analysis on the Environmental Fate (Water and Soil), and Degradates/Metabolites of the pyrethroids in the FIFRA reference is contradictory to Cornell University (Extoxnet), the US Department of Agriculture, Forest Service, and Scout X-TRA analysis. For instance, (CATS Table 1, pyrethroids) the pyrethroid bifenthrin in the FIFRA reference is stated as having a half-life of 275 & 417 days in water and a half-life of 147 days in the soil. Conversely, the US Department of Agriculture "Bifenthrin Pesticide Fact Sheet" states that the half-life of bifenthrin in soil is up to 8 months, which is much longer than 147 days. Another example is cyfluthrin were FIFRA reference states the half-life of bifenthrin in water is 4.5 days and 5.3 days in soil, while Cornell University in EXTOXNET "Cyfluthrin" stated the half-life of 1 day and 48-72 hours in soil. These contradictions continue for every pyrethroid analyzed in the FIFRA reference. Also the FIFRA reference fails to include the environmental fate of any pyrethroid on the foliage.
- Likewise in the section on degradates/metabolites the FIFRA reference has different degradates than Cornell University and the US Department of Agriculture. For example, (refer to excel table) in FIFRA reference the degradates are: 3-phenoxybenzyl alcohol and DCVA, while in the US Department of Agriculture "Permethrin Pesticide Fact Sheet" the degradates

are carbon dioxide, trans-3-(2,3-dichloroethyl)-2,2-dimethylcyclopropane carboxylate (trans-DCVA), and 3-phenoxybenzoic acid. These contradictions continue for the majority of the pyrethroids.

III. Other Pierce's References: Other references in the EIR on pyrethroids include the "Environmental Fate of bifenthrin" by CDPR, "Environmental Fate of cypermethrin" by CDPR, and "List of Toxicology Summaries" by CDPR. These references don't include all of the pyrethroids that are planned for use in the EIR (table 4-6).

IV. Conclusion: On the whole the CATs Table 1, Pyrethroids not only shows that there are problems within the analysis of the FIFRA reference, but that the pyrethroids while having many things in common also have many differences. This demonstrates that the EIR cannot lump all of the pyrethroids together and assumes that analyzing eight of the pyrethroids is conclusive. Moreover, the analysis given on those eight pyrethroids is not comprehensive and needs more information on the pyrethroids.

Pyrethroids Summary:

The Pyrethroids in this summary are within the EIR Table 4-6 (Pg. 4-34) and 1.7-1 (Pg. A-9). Pyrethroids that were not included in the FIFRA reference and thus not analyzed completely in CATs Table 1 are included in this summary. These pyrethroids are: allethrin, lambda cyhalothrin, pyrethrins, and resmethrin. This summary also included information on other pyrethroids in the FIFRA reference and analyzed in CATs table, which are: cypermethrin, fenpropothrin, permethrin, deltamethrin, and cyfluthrin.

1- Allethrin toxicity varies with the amounts of different isomers present. Allethrin has been found to be mutagenic and is very toxic to fish [Cornell University (Extoxnet), 1996]. The studies above demonstrate that an evaluation of allethrin should be made in the PDCP.

2- Cypermethrin quickly affects insect's central nervous system and is highly toxic to bees, and water insects [National Pesticide Telecommunications Network, 1998]. The studies above demonstrate that an evaluation of cypermethrin should be made in the PDCP.

3- Lambda Cyhalothrin is in EPA Toxicity Class II. Reported LD₅₀ = 79 mg/kg and 56

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mg/kg for male and female rats, it has also been reported to be as high as 144 mg/kg. Lambda Cyhalothrin is moderate to high toxicity via inhalation [Cornell University (Extoxnet), 2002]. Lambda Cyhalothrin is highly toxic to mice and fish, but moderately toxic to rats. Lambda is a group D carcinogen and has shown to cause tumors in mice [National Pesticide Telecommunications Network, 2001]. The studies above demonstrate that an evaluation of lambda cyhalothrin should be made in the PDCP.

4- Pyrethrins are natural insecticides produced by certain species of the chrysanthemum plant, while pyrethroids are semi synthetic derivatives of the chrysanthemum acid that have been developed as insecticides. Pyrethroids are more effective than natural pyrethrins, while less toxic to mammals [Cornell University (Extoxnet), 1994]. The studies above demonstrate that an evaluation of pyrethrins should be made in the PDCP.

5- Cypermethrin, deltamethrin, fenpropothrin, fenvalerate, and permethrin, were tested for their ability to induce micronuclei in both whole-blood and isolated human lymphocyte cultures. All the five pyrethroids induced clear dose dependent cytotoxic effects, fenpropothrin being the most toxic [Zamora, 1995]. The studies above demonstrate that an evaluation of cypermethrin should be made in the PDCP.

6- Alachlor, permethrin, and, to a lesser extent, fenpropothrin increased the ratio of excision repairable DNA lesions converted to micronuclei (MN) [Surralas, 1995]. The studies above demonstrate that an evaluation of alachlor should be made in the PDCP.

7- Cyfluthrin transfer efficiencies were much higher (4.02%, 4.18%, and 2.93% for cyfluthrin compared to chlordathion 3.06%, 2.72%, and 1.29%) [Loftier, 1999]. The studies above demonstrate that an evaluation of cyfluthrin should be made in the PDCP.

8- Fenvalerate, deltamethrin, cypermethrin, permethrin, and cyfluthrin, were investigated on their cytotoxic effects, resulting in distinct differences of the cytotoxic effect of the tested pyrethroids, whereby permethrin was found to be most toxic. With the exception of fenvalerate all tested pyrethroids contribute to the cytotoxic effects [Hadnagy, 1996]. The studies above demonstrate that an evaluation of deltamethrin, cypermethrin, permethrin, and cyfluthrin should be made in the PDCP.

9- Using the MCF-7 human breast carcinoma cell line, we studied the estrogenic

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B15-9 (cont.)

B15-9 (cont.)

potential of several synthetic pyrethroid compounds *in vitro*. The pyrethroids tested were sumithrin, fenvalerate, and permethrin. Permethrin had a noticeable effect on cell proliferation. Each pyrethroid compound is unique in its ability to influence several cellular pathways. These findings suggest that pyrethroids should be considered to be hormone disruptors and their potential to affect endocrine function in humans and wildlife should be investigated [Go, 1999]. The studies above demonstrate that an evaluation of permethrin should be made in the PDCP.

**B15-9
(cont.)**

10. Resemethrin is a slightly toxic to practically non-toxic compound in EPA toxicity class III [Cornell University (Extoxnet), 1996], but in Prop 65 Resemethrin is listed as a developmental toxin [OEI/HAA 2002]. The studies above demonstrate that an evaluation of resemethrin should be made in the PDCP.

11. The article by: Doria Mueller-Bellschmidt, "Resistance of Insect Pests and Disease Vectors to Synthetic Pyrethroids" raises concern that insect are developing resistance to pyrethroids, which should be evaluated in the EIR on glassy-winged sharpshooters. Another article by: Doria Mueller-Bellschmidt, "Toxicology and Environmental Fate of Synthetic Pyrethroids" offers more evidence that a more thorough evaluation on the toxicology of the EIR pyrethroids is needed.

This is the first part of the comment letter being submitted by fax to Ms Susan Stratton, 916-376-1606 on this day by Californians for Alternatives to Toxics regarding the Pierce's Disease Control Program Draft Environmental Impact Statement. The second part of this letter will be submitted today by fax today and hard copies will be sent by U.S. Mail, as described in a telephone conversation with Ms Stratton May 16, 2002.

Sincerely,

Patricia M. Clary
Patricia M. Clary
Executive Director

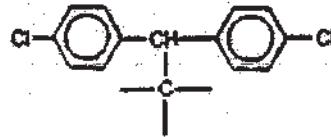
Date May 17, 2002

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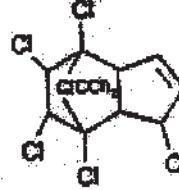
Dr. Katherine Squibb

B15-11

**Dr. Katherine Squibb
Program in Toxicology
NURS 678 - Applied Toxicology
February 27, 2002**



Dichlorodiphenylethanes



Cyclodiienes

University of Maryland <http://www.aquaticpath.msu.edu/toxnurse/pesticides.pdf>
CATs' PDCP DEIR 5/17/02

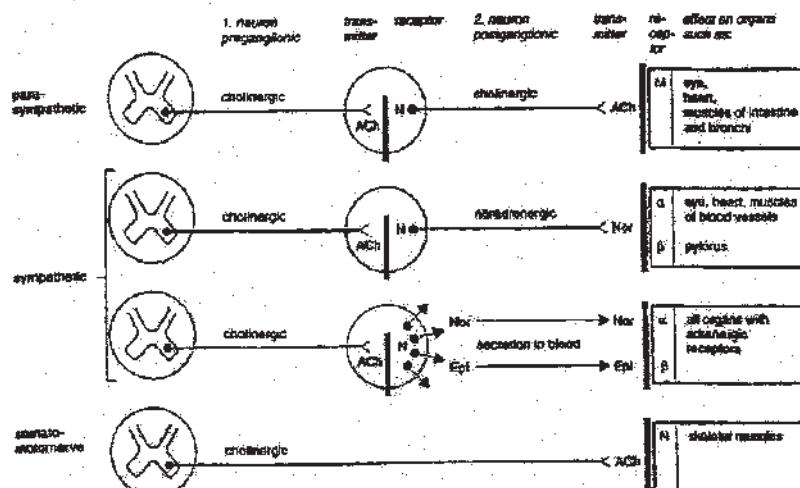
B15-10

B15-11
(cont.)Symptoms of Anticholinesterase Insecticide Poisoning

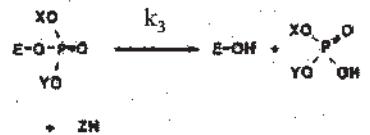
NERVOUS TISSUE AND RECEPTORS AFFECTED	SITE AFFECTED	MANIFESTATIONS
Parasympathetic autonomic (muscarinic receptors) postganglionic nerve fibers	Exocrine glands Eyes Gastrointestinal tract Respiratory tract	Increased salivation, lacrimation, perspiration Miosis (pinpoint and nonresponsive), ptosis, blurring of vision, conjunctival injection, "bloody tears" Nausea, vomiting, abdominal tightness, swelling and cramps, diarrhea, tenesmus, fecal incontinence Excessive bronchial secretions, rhinorrhea, wheezing, edema, tightness in chest, bronchospasm, bronchoconstriction, cough, bradypnea, dyspnea
Parasympathetic and sympathetic autonomic fibers (nicotinic receptors)	Cardiovascular system Bladder	Bradycardia, decrease in blood pressure Urinary frequency and incontinence
Somatic motor nerve fibers (nicotinic receptors)	Cardiovascular system Skeletal muscles	Tachycardia, pallor, increase in blood pressure Muscle fasciculations (eyelids, fine facial muscles), cramps, diminished tendon reflexes, generalized muscle weakness in peripheral and respiratory muscles, paralysis, flaccid or rigid tone Restlessness, generalized motor activity, reaction to acoustic stimuli, intraluminal, emotional lability, anxiety
Brain (acetylcholine receptors)	Central nervous system	Drowsiness, lethargy, fatigue, mental confusion, inability to concentrate, headache, pressure in head, generalized weakness Coma with absence of reflexes, tremors, Cheyne-Stokes respiration, dyspnea, convulsions, depression of respiratory centers, cyanosis

SOURCE: Bruns, Evidence and Arg. 1962.

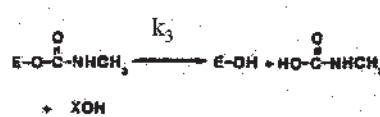
CATS' PDCP DEIR

B15-11
(cont.)

CATS' PDCP DEIR

B15-11
(cont.)

Rate at which pesticide molecule leaves the enzyme active site is proportional to its toxicity.



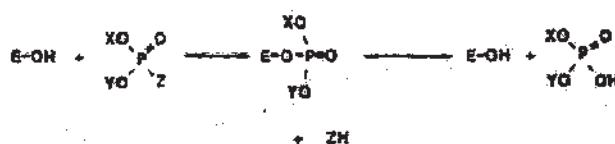
k_3 = sec for acetylcholine
= 30 min for carbamates
= 17 hr for organophosphate

"Aging" of the enzyme/pesticide complex is also possible with organophosphates. With time a covalent bond is formed, making the inhibition of the enzyme activity permanent

CATs PDCP DEIR

B15-11
(cont.)

Organophosphorus Ester



Carbamate Ester

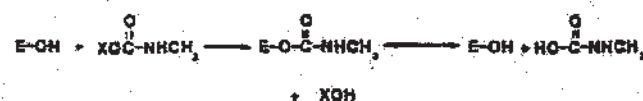


Figure 22-13. The interaction between an organophosphorus or carbamate ester with the serine hydroxyl group in the active site of the enzyme acetylcholinesterase (E-OH).

The intermediate, unstable complexes formed before the release of the "leaving" groups (ZH and XO_H) are not shown. The dephosphorylation or decarbamoylation of the inhibited enzyme is the rate-limiting step to forming free enzyme.

CATs PDCP DEIR

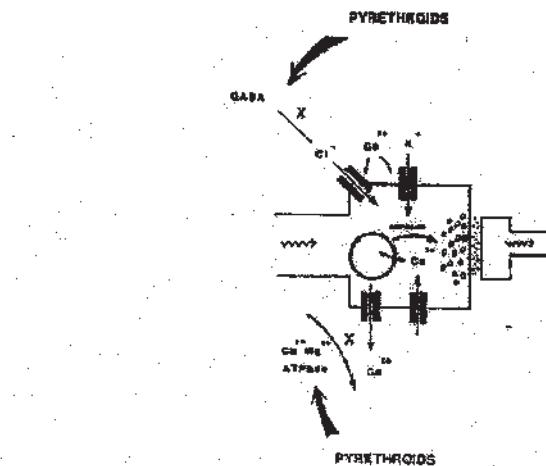
B15-11
(cont.)

Figure 22-28. Proposed cellular mechanism by which pyrethroids act before neuronal firing.

These site (1) by inhibition of Ca^{2+} , Mg^{2+} -ATPase, thereby interfering with calcium removal from the ending; (2) questionable binding w GABA receptors in the chloride channel; (3) binding of calmodulin that binds calcium ions, thereby increasing the levels of free calcium in the nerve ending to act on neurotransmitter release.

CAT5 PDCP DEIR

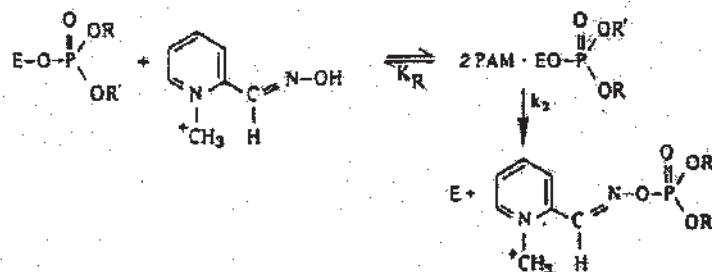
B15-11
(cont.)

Figure 22-18. The pralidoxime-catalyzed reactivation of an organophosphate-inhibited molecule of AChE, showing the release of active enzyme and the formation of an oxime-phosphate complex.

CAT5 PDCP DEIR

U.S. Environmental Protection Agency

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Risk Assessment

Risk assessments provide a qualitative or quantitative evaluation of the risk posed to human health and the environment by the actual or potential presence of pollutants. Risk assessments are conducted for a number of reasons, including to evaluate whether an asbestos risk exists or not; to identify the need for additional data collection; to focus on the dangers or specific pollutant risks or not; to identify the need for further development of contingency plans and other responses to pollutant releases. Risk assessments are an important part of the Agency's Superfund program and play a key role in the development and implementation of new environmental regulations.

Recommended EPA Web pages

- National Center for Environmental Assessment Home Page
- NEA Server as the nation's resource center for the overall process of human health and ecological risk assessment.
- Substituted Risk Assessment
- Provides information about Superfund risk assessment.

Or: Browse these related EPA Risk Assessment Topic Pages
(View other EPA Topics page like this Risk Assessment page. These pages lead to information related to ENVIRONMENTAL MANAGEMENT)

Best Management Practices

- Environmental Impact Statement (EIS)
- Environmental Justice
- Environmental Management Systems
- Environmental Policy
- American Indian Ethics: Diversity Guidance

Partnerships

- Environmental Assessment National Environmental Partnership Task Force: Private Partnerships
- Resources: Multidisciplinary Resources: Plastics
- Conservation: Waste Sources: Resources: Plastics

✓ Risk Assessment

- Ecological Risk Assessment: Ecological Assessment: Human Health Risk Assessment
- Risk Management
- Consulting: EIS: Risk Management Processes
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This page last updated May 16, 2012
URL: <http://www.epa.gov/epatopics/superfundassessment.htm>

B15-11
(cont.)

B15-11
(cont.)

Table 22-10
Classification of Pyrethroid Esther Insecticides on the Basis of Chemical Structure and Observed Biological Activity

STRUCTURE	SIGNS AND SYMPTOMS					
	COCKROACH	RAT	CHEMICALS			
Type I syndrome ("T" syndrome)	 Restlessness Incoordination Frenzation Paralysis	 Hyperexcitation Excoordinating Convulsions	 Hyperexcitation Sparling Aggressiveness Enhanced startle response Whole body tremor Frenzation	 Burrowing Dermal tingling Ocular seizures Seizures writhing Preforce salivation	 Pyrethrin I Allathrin Resmethrin Kadethrin Resmethrin Pheothrin Permethrin	 Cypermethrin Fenpropathrin Delathrin Cyphosulfate Fenvalerate Fluvalinate
Type II syndrome ("CS" syndrome)						

CATS PDCP DEIR

5/17/02 8:28 AM

**University of California
Citrus IPM**

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Citrus IPM Introduction
 Workshop Purpose, Structure & Operational Procedures [Link to 2 pages]: The Citrus IPM website has been placed as a very high priority the adoption of integrated Pest Management techniques by the San Joaquin Valley growers in order to reduce broad spectrum use of chemicals. This is a necessary step in order to maintain economic viability and use of economic incentives to reward farmers. However, because of natural enemies see a more recent test report accepted.

Citrus IPM Projects
 Monitoring and biological control of citrus psyllinifer in California
 Citrus Psyllid (CPN) infests citrus, sheepherder and various other plants, and severely threaten the San Joaquin Valley. Effective monitoring techniques currently available. Pesticide resistance would be an effective management tool for understanding the movement and establishment of CPN in citrus. Citrus psyllid can be an effective native parasite of CPN attacking the citrus psyllid larva in the Coachella Valley. But this parasite has not been found in the San Joaquin Valley. In this proposal, we outline a coordinated monitoring and biological control program for psyllid in California.

B15-11 (cont.)

May 16, 2002
 Susan Stratton, Sr. Environmental Planner
 Dept. of General Services
 Real Estate Services Division, Professional Services Branch
 P.O. Box 989052
 West Sacramento, CA 95798-9052

Re: Draft Environmental Impact Report for the Pierce's Disease Control Program (DEIR)

Dear Ms. Stratton,

This comment letter is made on behalf of Californians for Alternatives to Toxics (CATs). This is the second part of a two-part letter submitted by CATs by fax today.

The carbaryl "risk evaluation" of Appendix P is inadequate as are those for imidicloprid and pyrethroids, described elsewhere in this letter. The "analysis" states that small amounts absorbed over a prolonged time are unlikely to cause poisoning because of rapid metabolism and excretion and that recovery is rapid with no residual effects. There are many scientific studies that dispute these statements. In one, carbaryl exposure below mortality levels demonstrated reduced pituitary and serum gonadotrophin levels accompanied by inhibited activity of hypothalamic gonadotropin releasing hormone. It is surmised that these hormonal effects are mediated via the ACh-AChE system (Bhattacharya '93). This could be of potentially significant impact because it has been found that up to 25% of the pesticide (carbaryl) could transfer from contaminated protective clothing to the skin through rubbing (Yang 1993). Workers are at greatest risk from these exposures.

Though the DEIR claims that reproductive toxicity is not a concern, miscarriage, though not associated with chemical activities overall, was increased in combination with reported use of

Californians for Alternatives to Toxics, Pierce's Disease Control Program, 5/17/02

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thiocarbamates, carbaryl, and unclassified pesticides (Savitz 1997). In another study, carbaryl was detected in biosubstrates in 7.3% cases tested. The possible relationship of prematurity of infants to the presence of pesticides in the mothers' tissues could not be proven nor disproven. (Gulko 1978)

A summary of studies about the toxicity of carbaryl described how "Rats fed carbaryl and infected with a bacteria had a mortality rate almost twice as high as unexposed rats. In goldfish cell cultures, synthesis of the immunologically important compound interferon was reduced, leading to enhanced replication of a virus." (NCAP/Cox 1995)

Of particular concern is that the DEIR (page P-18) describes carbaryl as Not a probable carcinogenic risk. This, like many other statements is misleading. Carbaryl is a Class C, Possible Human Carcinogen according to the U.S. EPA (1998). Possible carcinogenicity is of real concern to the EPA.

Carbaryl is one of forty-two pesticides listed by California as Hazardous Air Pollutants, many of the other listed pesticides are now banned or highly restricted in their use. (CDPR Memo Additional Pesticide Information 1996). Drift is a problem with carbaryl; in one accidental intoxication resulted in one death and 41 workers exposed (Hayama, 1978). Carbaryl and malathion have been found to have teratogenic effect (Zamfir 1977).

Carbaryl was found to persist for 1-2 years in soil and for 0.5-3 months in plants grown in soil containing carbaryl (Yrochinskii 1977).

Sublethal exposure to carbaryl and phorate in fish adversely affect carbohydrate metabolism as evidenced in the serum of freshwater fish *Clarias batrachus*. Metabolic stress suggest a physiological damage to liver and other vital tissues (Jyothi 1999). Low concentrations of carbaryl inhibit growth and reproduction and delay maturation in *Daphnia*. Sublethal exposures reduced reproduction, enough to have a significant ecological effect on the rest of the lake community (Dudison 1995). Low doses of carbaryl reduce glutathione level in liver and kidney of *Channa punctatus*. (Ghosh 1993).

The primary metabolite 1-naphthol of carbaryl is more toxic to mollusks and to some species of marine fish than the parent compound. A neat inhibitory effect on the degradation rate was observed, depending on the nature of the surfactant and on the initial pH of the solution

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(Pravot 1999). Inert ingredients are often very toxic and need to be considered in toxicity analysis.

We are particularly concerned about the statements in the DEIR regarding endangered species. At pg 4-25 the DEIR notes that CDFA has altered pest eradication protocols to accommodate requests from CDFG and USFWS for endangered and non-listed species and habitats of concern. Any future analysis would involve a new CEQA procedure but this is not mentioned in the DEIR. If this is currently foreseeable, then this is a deferred analysis and out of compliance with CEQA.

The DEIR refers to a letter from National Marine Fisheries Service (NMFS) concluding that the PDCP is not likely to adversely affect salmonids under the Endangered Species Act. This letter is of absolutely no value. As NMFS properly notes (Appendix N-3), "The grower is required to follow insecticide label directions only and those chemicals and application methods have not undergone consultation." This translates to the fact that the U.S. EPA, the only agency that can initiate a consultation regarding the effects of pesticides on endangered species and their habitat has done no consultations for the effects of any of the pesticides on any of the species that may be affected by the PDCP. Neither NMFS or the U.S. Fish and Wildlife Service can issue a finding of no effect for the PDCP anymore than CATs can because they are not the action agency for pesticide registration.

The sample notification letter of Appendix O is equally invalid in that the whole process would by necessity be subject to CEQA because the impacts are not analyzed in the present DEIR.

We are also extremely concerned about the apparent lack of future planned analysis of the release of biological control agents in the PDCP. If this is not to be analyzed in the EIR, which we see in the DEIR it is not but rather deferred to some future date when more information is available (pages 4-19, 4-23). The "permit" in Appendix K given by CDFA to itself is not a replacement for the CEQA process. If (and this is a key word in the DEIR) regarding "natural enemies" of GWSS any new organisms are to be released in the PDCP, a new CEQA analysis will be required.

We are also concerned about misleading statements about how only licensed pesticide applicators will apply pesticides in the non agricultural treatments. As a rule, a licensed pesticide applicator oversees pesticide application by individuals that may not be licensed and

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B15-12 (cont.)

B15-12 (cont.)

B15-13

B15-14

B15-15

may be only in the vicinity of the pesticide application, not actually on site during operations. Monitoring may only be conducted sporadically, particularly if more infestations are found and funds must be stretched to cover more sites. It is misleading to infer that monitoring and licensed pesticide applicators will be the rule when it is not true.

Regarding where at page 5.2-11 CDFA expects it may use other registered pesticides in the PDCP, there would need to be a new CEQA procedure because this would be a deflated analysis.

That growers can treat their crops with any pesticide registered for that use [page 5.2-15] may be true, but all these pesticides must be subject to analysis if used in the PDCP.

Acephate

The studies below demonstrate that an evaluation of acephate should be made for use in the PDCP.

B15-15 (cont.)

In a two-generation reproduction study of acephate in rats, fetal losses and decreased litter weights were found at the lowest dose tested of 2.5 mg/kg/day. A study in rats demonstrated that acephate can cross the placental barrier; it was detected in fetal tissue within 10 minutes of oral administration. EPA considers acephate to be possible human carcinogen. Possible gene mutation and chromosomal aberration studies support the conclusion that acephate may affect DNA. In general, acephate is moderately acutely toxic to mammals and birds. Birds preferring open spaces or crown foliage for their foraging are likely to receive higher doses. Acephate is characterized as highly toxic to honey bees and alkali bees, and had a devastating effect on ants. (USDA, 7-1996)

B15-16

Sensitivity analysis suggested that foraging location usually influenced cholinesterase inhibition more than diet preferences or daily intake rate. Although organophosphorous insecticides usually caused greater inhibition than carbamate insecticides, insecticide toxicity appeared only moderately important. When we simulated impact of heavy insecticide applications during breeding seasons of 15 wild bird species, mean maximum cholinesterase inhibition in most species exceeded 20% at some point. At this level of inhibition, birds may experience nausea and/or may exhibit minor behavioral changes. (Corson, 1998)

B15-17

Acephate and methamidophos had measurable inhibitory effects on the mouse erythrocyte enzyme. (Chukwudebe, 1984)

Diflubenzuron (Dimilin)

The studies below demonstrate that an evaluation of diflubenzuron (Dimilin) should be made for use in the PDCP.

Diflubenzuron is a "Restricted Use" pesticide, due to toxicity to aquatic invertebrate animals. Inert ingredients of different formulations of Dimilin include petroleum oil, crystalline silicon and other inert. Crystalline silica is a suspected carcinogen. Petroleum may also cause cancer. Drift or runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Populations of some microorganisms may be reduced after diflubenzuron application. Diflubenzuron or its metabolites are toxic to certain bacteria. Diflubenzuron is extremely toxic to crabs, shrimp and other aquatic invertebrates. It is toxic to some aquatic insects. Diflubenzuron bioaccumulates in aquatic animals, but is reversible when exposure ends. Diflubenzuron may be a hazard to endangered insect or aquatic invertebrate species if it is applied to areas where they live. (USDA Forest Service, 1994-2002)

Crystalline silicon is listed on the Proposition 65 list as a carcinogen. (OEHHA, 2002)

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Endosulfan
The studies below demonstrate that an evaluation of endosulfan should be made for use in the PDCP.

In an experiment to assess the toxicity of endosulfan to anuran amphibians, extensive paralysis of exposed tadpoles occurred; all but one of the exposures resulted in 100% of the tadpoles experiencing paralysis at some point during the exposure or recovery period. Post-exposure mortality of tadpoles was high and occurred at the lowest exposure concentrations. (Berrill, 1998)

The pectoral system is highly susceptible to low-concentration exposure to endosulfan. The impairment of the pectoral system directly led to disrupted mate choice and lowered mating success. The amphibian pectoral system is one of the systems subject to subtle negative effects of environmental chemicals. Endosulfan not only acts as a hormone disruptor, but it also affects neurotransmitter systems of many species such as rats, catfish, and bullfrog tadpoles. Endosulfan suppressed testosterone and 17'-estradiol concentrations in neonatal rats, increased thyroxine levels in catfish, and induced neurotoxic effects including increased excitability, trembling, and deficits in operating learning performance in freshwater fishes, pigeons, and rats. (Park, 2001)

Endosulfan moves off-target via drift and rain runoff. The relative magnitude of drift and runoff depends on a variety of environmental parameters including atmospheric conditions, soil type and texture, precipitation patterns, and cultural practices. (CA DfA, 1991)

Endosulfan has both acute and chronic impacts on aquatic life. It has been implicated in more fish kills in California than any other pesticide. Over 50 incidents between 1964-1984 resulted in the loss of over 150,000 fish. Endosulfan is one of the most frequently detected pesticides in state monitoring programs, indicating that extensive chronic exposures are occurring in the aquatic environment. The central coast, ranging from Monterey Bay to Santa Barbara, has a number of hotspots where endosulfan and other pesticides consistently exceed criteria to protect aquatic life, particularly in the Watsonville-Salinas area. Other areas of California also exhibit high endosulfan concentrations in aquatic life. Fish samples from the Los Angeles region contained endosulfan concentrations exceeding the NAS guideline of 100 ppb in both 1990 and 1991. The Salton Sea area has the highest detection rate for endosulfan, more than double the statewide average. Concentrations as high as 2,050 ppb have been detected in fish samples collected near the Salton Sea National Wildlife Refuge. The ecological significance of current exposures to estrogenic pesticides in aquatic ecosystems is potentially severe. Opportunities for hazardous exposures appear widespread because of extensive contamination in the state's waters. Observed levels of organochlorine contamination are associated with the disruption of normal endocrine and reproductive functions and have caused severe impacts on entire populations of fish and birds in some areas. (UC Berkeley, 1994)

Total bacterial abundance was significantly reduced with endosulfan treatments of 1 and 10 mg/L. Endosulfan was primarily found to target the cyanobacteria. Changes in biomass reflected compositional shifts in the phototrophs. The abundance of heterotrophic ciliates and flagellates was significantly reduced at 10 mg/L chlorpyrifos. Bacterial abundance and productivity increased, whereas phototrophic variables decreased. Agricultural pesticides were found to alter both functional and structural aspects of the estuarine microbial food web. (Delorenzo, 1999)

Observations on liver alterations in fish of the onset of biotransformation processes under the influence of food-borne endosulfan. Further pathological processes in the liver were evident. In the intestinal tract, exposure to endosulfan is associated with a complete lack

of chylomicrons in the epithelial lining, which indicates disturbance of intestinal absorption. (Brannenbeck, 1999)

Scientists have designed an assay for the detection of xenoestrogens based on a novel estrogen responsive unit. It allowed scientists to detect a significant estrogenic activity of endosulfan at a lower concentration. (Massaad, 1999)

The insecticides chlorpyrifos, endosulfan and cypermethrin were highly toxic to the parasitoid. (Walton, 1999)

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(cont.)**

Endosulfan produces neurotoxicity effects. It can also cause hematological effects and nephrotoxicity. Worker risks are high. The risks to mixers, loaders, and applicators handling and applying endosulfan using aerial equipment are of concern for most scenarios even when maximum personal protective equipment or engineering controls are used. Dermal exposure drives the risk concern. Restricted Entry Intervals ranging from 5 to 52 days would be necessary for various crops to address post-application re-entry risks.

Current endosulfan labels show a restricted entry interval requirement of 24 hours. Endosulfan is likely to result in moderate to high acute and chronic risks to both terrestrial and aquatic nontarget organisms. Endosulfan is highly toxic to nontarget aquatic and terrestrial animals. Incident data confirm toxicity to both birds and fish.

Endosulfan poisoning is among the most frequently reported cause of aquatic organism incidents for pesticides. (US EPA 11-13-2001, Preliminary Risk Assessments, Endosulfan Summary, <http://www.epa.gov/pesticides/registration/endosulfan/>)

Carteret

The studies below demonstrate that an evaluation of carbaryl should be made for use in the PDCP.

This study suggests that when tadpoles and newts are exposed to a sublethal level of a contaminant simultaneously, that predation levels do not differ from those observed under natural conditions, but exposure of either predator or prey at different times can disrupt predator-prey dynamics. (Bridges, 1999)

Imidacloprid

The studies below demonstrate that an evaluation of imidacloprid should be made for use in the PDCP.

Several accidents were reported in France, in domestic and wild animals, involving the potential ingestion of imidacloprid-coated seeds. Imidacloprid accounts for the majority of the toxic residues detected in the liver of affected pigeons. (Berry, 1999)

The dermatopathy may have been a paraneoplastic disease associated with thymoma and, possibly, exacerbated by a drug reaction to imidacloprid. (Godfrey, 1999)

High levels of use of imidacloprid raise serious concerns about resistance development. Resistance occurred after only two years of imidacloprid use. (Grafna, 1999)

Imidacloprid is moderately toxic. The oral dose of technical grade imidacloprid that resulted in mortality to half of the test animals (LD₅₀) is 450 mg/kg body weight in rats. Adverse effects included increased cholesterol levels in the blood, and some stress to the liver. Imidacloprid may be weakly mutagenic. There were thyroid lesions associated with very high doses of imidacloprid. The most important metabolic steps include the degradation to 6-chloronicotinic acid, a compound that acts on the nervous system in humans and animals. Imidacloprid is toxic to upland game birds. Products containing imidacloprid may be very toxic to aquatic invertebrates. It is highly toxic to bees if used as a foliar application. There is a potential for the compound to move through sensitive soil types. (Extoxnet)

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(cont.)

In studies of how imidacloprid affects reproduction, exposure of pregnant laboratory animals resulted in more frequent miscarriages and smaller offspring. An agricultural imidacloprid product increased the incidence of a kind of genetic damage called DNA adducts. The growth and size of shrimp are affected by imidacloprid concentrations of less than one ppb. Shrimp and crustaceans are killed by concentration of less than 60 ppb. Imidacloprid is persistent. In a field test in Minnesota, the concentration of imidacloprid acid did not decrease for a year following treatment. It is also mobile in soil, so is considered by the US EPA to be a potential water contaminant. (NCAP Cox, 2001)

Malathion

The studies below demonstrate that an evaluation of malathion should be made for use in the PDCP.

Dietary protein deficiency makes the immune system more susceptible to the toxic effects of pesticides. Suppression of immune responses by the imidacloprid metabolites is an important determinant of the toxicity of parent compound. The type and duration of physical or emotional stress and possible involvement of free radicals (oxidative stress) are important in the potentiation of pesticide-induced immune toxicity. (Banerjee, 1999)

Effects of malathion are similar to those observed with other organophosphates, except that larger doses are required. Single doses of malathion may affect immune system response. As protein intake decreased, malathion was increasingly toxic to the rats.

Malathion has been shown to have different toxicities in male and female rats and humans due to metabolism, storage, and excretion differences between the sexes, with females being much more susceptible than males. Numerous malathion poisonings incidents have occurred among pesticide workers and small children through accidental exposure. Malathion and its metabolites can cross the placenta of the goat and depress cholinesterase activity of the fetus. Malathion produced detectable mutations in three different types of cultured human cells. The pesticide has been shown in animal testing and from use experience to affect the central nervous system, immune system, adrenal glands, liver, and blood. Malathion is moderately toxic to birds. It has a wide range of toxicities in fish. It is highly toxic to aquatic invertebrates and to the aquatic stages of amphibians. Malathion is highly toxic to honeybees. Malathion may pose a risk of groundwater or surface water contamination. (Extoxnet, 1996)

Results indicated strong correlations between behavioral indices and brain cholinesterase activity when animals were exposed to traditional cholinesterase inhibitors. (Jones, 2000)

The reported genotoxicity of malathion might, therefore, be consequence of its metabolic biotransformation to malaoxon or the presence of malaoxon and/or isomalathion as well as other unspecified impurities in commercial formulations of malathion. In this regard, the results of our study clearly indicate that malathion used as a commercial product, i.e. containing malaoxon and isomalathion, can be considered as a genotoxic substance *in vitro*. This means that it may also produce DNA disturbances *in vivo*, such as DNA breakage at sites of oncogenes or tumor suppressor genes, thus playing a role in the induction of malignancies in individuals exposed to this agent. Therefore, malathion can be regarded as a potential mutagen/carcinogen and requires further investigation. (Beusjak, 1999)

The findings suggest that the persons with pre-existing liver diseases may exhibit enhanced toxicological responses to pesticides. (Nikourkar, 1999)

Our data indicate that malathion affects blood clotting before the nervous system (locomotor) function. (Sweeney, 1999)

Malathion has a teratogenic effect on mice spermatid differentiation, which compromises mostly the flagella, perhaps due to an alkylating effect that disturbs the normal assembling of tail structural protein components. (Contreras, 1999)

The approximatic digestibility was significantly greater in control females as compared to malathion treated females. (Lohar M Khan, 1999)

Low doses of malathion disrupt immune system function. (NCAP Swadener, 1992)

Please accept these comments to the Pierce's Disease DEIR. We respectfully submit that a new DEIR is required to comply with the requirements of CEQA.

Sincerely,

Patricia M. Clary
Executive Director

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B15-19 (cont.)

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Preliminary Risk Assessments
Endosulfan Summary
U.S. EPA 11/13/01
<http://www.epa.gov/pesticides/re-registration/endosulfan/>

Uses

Food Uses for Endosulfan are alfalfa (seed only), barley, beans (dry and succulent), blueberries, broccoli, Brussels sprouts, cabbage, carrots, cauliflower, celery, clover (seed only), collards, corn, kale, corn (fresh only), cucumbers, eggplants, grapes, peppers, cats, lettuce, kohlrabi (seed only), melons, mustard greens, pineapples, rye, potatoes, pumpkins, radish (seed only), rutabaga (seed only), spinach, squash, sweet potatoes, strawberries, tobacco, tomato, turnip and wheat, apples, apricots, almonds, cherries, filberts, macadamia nuts, nectarines, pecans, pear, plums, prunes and walnuts.

Endosulfan is also used to treat shade trees, shrubs, citrus (non-bearing), nursery stock, Christmas tree plantations, woody plants, peaches (root dip only) and ornamental trees and shrubs.

An estimated 1.4 million to 2.2 million pounds of endosulfan are applied annually. Crops with the highest percent crop treated are squash (40%), cantaloupe (31%), pumpkins (20%). In terms of pounds applied, pecans (20%), honeydew, (19%), strawberries (14%) account for the greatest agricultural use. As much as 6% of endosulfan is believed to be applied by horticultural nurseries in greenhouses.

Endosulfan is currently limited to agricultural and commercial uses. Voluntary cancellations for all home and residential applications by the technical registrant have been submitted to the Agency.

Endosulfan can be applied by the following methods: aerial, chemigation, groundboom, airblast sprayer, rights of way sprayer, low and high pressure handwand, dip treatment, and backpack/sprayer.

Health Effects

In laboratory animals, endosulfan produces neurotoxicity effects, which are believed to result from overstimulation of the central nervous system.

Such neurotoxic effects include hyperactivity, tonic contractions, involuntary muscle movements, pronounced sensitivity to noise and light, incoordination, seizures and convulsions. Endosulfan can also cause hematological effects and nephrotoxicity.

Risks

Endosulfan Summary

- Dietary Risk from food treated with endosulfan is not of concern.
- Drinking Water Risk is not of concern.

- Aggregate Risk (combined risks from food and water exposure) is not of concern.

Worker Risks are high:

The risks to mixers, loaders and applicators handling and applying endosulfan using aerial equipment are of concern for most scenarios even when maximum personal protective equipment or engineering controls are used. Dermal exposure drives the risk concern.

The risks to mixers, loaders and applicators handling and applying endosulfan to pecans (7.5 lb ai/A) pose risk concerns for most scenarios even when maximum personal protective equipment or engineering controls are used.

Restricted Entry Intervals (REIs) ranging from 5 to 52 days would be necessary for various crops to address post-application re-entry risks. Current endosulfan labels show a restricted entry requirement of 24 hours.

Risks to Birds, Fish and Mammals are moderate to high:

Endosulfan is likely to result in **moderate to high acute and chronic risks to both terrestrial and aquatic non-target organisms.**

Incidents

Endosulfan is highly toxic to nontarget aquatic and terrestrial animals. Incident data confirm toxicity to both birds and fish.

Endosulfan poisoning is among the most frequently reported cause of aquatic organism incidents for pesticides. Based on EPA's Ecological Incident Information system (EIIS), the cyclodiene class of insecticides accounted for the third highest percentage of incidents (3% of the reported incidents) since 1971. Endosulfan, with 91 reported incidents, accounted for the majority at 62%.

B15-20
(cont.)

- B15-20**

- (cont.)**

LETTER B15: PATRICIA M. CLARY, CALIFORNIANS FOR ALTERNATIVES TO TOXICS

B15-1 This is an introduction to the comment letter. The commenter provides general comments on the Draft EIR. These comments are described in more detail in the rest of the letter. Responses to the commenter's specific comments on the Draft EIR are addressed in responses to comments B15-2 through B15-20.

B15-2 See Master Response 1. The comment states that the Draft EIR should be longer. CEQA provides that the text of EIRs should normally be less than 150 pages, and for proposals of unusual scope or complexity, less than 300 pages. The PDCP Draft EIR is 136 pages in length, excluding appendices. CEQA does not require EIRs to be of a particular length. Rather, CEQA requires that an EIR provide a sufficient degree of information and analysis to provide decision makers with information that allows them to make informed decisions regarding potential environmental consequences. CDFA believes the PDCP Draft EIR satisfies this requirement.

B15-3 See Master Responses 7, 8, and 11. The commenter's description of the program is inaccurate. The proposed PDCP is a calibrated response to particular conditions, rather than a "one-size fits all" approach. Several of the program's components would not have the potential to cause adverse environmental effects, including public outreach, statewide survey and research efforts. In addition, the contain the spread element of the PDCP is a pro-active approach to prevent or slow the spread of the glassy-winged sharpshooter and Pierce's disease by reducing glassy-winged sharpshooter populations through biological and other control measures, and by regulating the movement of nursery stock, citrus, grapes, and other commodities which may harbor the glassy-winged sharpshooter.

The Draft EIR analyzes the environmental effects of the proposed PDCP, pursuant to the requirements of CEQA. CDFA will review the Final EIR for adequacy and consider it for certification pursuant to the requirements of Section 15090 of the State CEQA Guidelines. If CDFA certifies the Final EIR, then the agency will consider whether or not to approve the program. The Draft EIR provides decision-makers with information on the potential environmental effects of the proposed program. The State CEQA Guidelines require the description and comparative analysis of a range of reasonable alternatives that have been developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the EIR (State CEQA Guidelines Section 15126.6(c)). This is predicated on the assumption that a specific, proposed program is evaluated in the Draft EIR.

B15-4 See Master Response 1. Chapter 3 of the Draft EIR describes the history and symptoms of Pierce's disease and identifies the plants susceptible to the bacterium that causes the disease, the insect vectors that transmit the bacteria, and the host plants for those vectors. Emphasis is placed on describing the glassy-winged sharpshooter and why this non-native insect has the potential to greatly increase the incidence of Pierce's disease in California. Appendix B of the Draft EIR includes a discussion of the potential distribution of the glassy-winged sharpshooter in California. Figure 5 of Appendix B illustrates the areas considered unlikely for glassy-winged sharpshooter infestation. Figures 1-5 were inadvertently left out of the Draft EIR so they are presented in Chapter 5 of this document.

B15-5 CDFA did not monitor the spread of the glassy-winged sharpshooter in California prior to this program. The generally-infested area includes urban and agricultural areas of southern California in which glassy-

winged sharpshooter can be found. As with other mobile organisms, every available site may not be occupied, but the glassy-winged sharpshooter is easily found on street plants and in residential yards and many agricultural settings. There are no good data on the rate of spread of the glassy-winged sharpshooter. CDFA feels certain that the glassy-winged sharpshooter was brought into California in an infested shipment because there were no glassy-winged sharpshooter infestations in adjacent states from which the pest could have naturally flown into the state. Discovery of isolated infestations many miles from generally-infested areas, such as those in Fresno, Sacramento, Chico, San Jose and Brentwood, suggest that they arrived on infested shipments rather than by flight of adult insects. Widespread infestations such as that seen in Bakersfield suggest both an initial introduction on infested items followed by natural spread, perhaps augmented by additional introductions. The presence of the pest and the threat of spread is being addressed in this program. That the pest can exist throughout most of the grape-growing regions of the state and that it can spread from these areas and transmit Pierce's disease are not questioned. Experience with other pests has shown that taking a "wait and see" approach only delays the start of actions and results in a larger area being treated than otherwise would have been necessary. Potential rates of spread are given in Appendix B of the Draft EIR.

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and transmits the bacteria from grapevine-to-grapevine, reducing the damage caused by *Xylella fastidiosa* infection of a crop requires that glassy-winged sharpshooter numbers be reduced to levels lower than may be achievable using available IPM approaches.

B15-7

See Master Responses 1, 2, and 3. Independent product evaluations are limited to program applications. A discussion of procedures used by the U.S. EPA to establish exposure limits is included in Appendix P of the Draft EIR. The Draft EIR notes that exposure to pesticide residues from the PDCP are within bounds set by the U.S. EPA. PDCP treatments take place infrequently and seasonally. All pesticides regulated by CDPR are subject to the provisions of the California Code of Regulations. This is a legal compliance issue. Chemicals may be restricted for various reasons. It may relate to prescribed precautions for users handling a concentrated product due to a splash hazard and eye injury potential. Special application procedures may be needed to avoid water seepage or runoff. Restriction does not imply that a properly applied material presents an extraordinary hazard.

The purpose of the EIR is to evaluate the potential for environmental impacts of the program. Pesticide regulatory agencies are responsible for analysis of pesticide product toxicity potentials. The PDCP has used that information in its evaluation of program environmental impacts. An EIR is not a risk assessment document, but an environmental impact evaluation. U.S. EPA risk assessments are a different program with altogether different purposes. Risk assessment for a "Superfund" site is different than risk assessment for pesticide residues on food crops. An EIR may consider information gathered from risk assessments conducted by regulatory agencies as part of an overall environmental impact evaluation. U.S. EPA risk assessment is done to set both short and long-term acceptable exposure limits for lifetime circumstances. A

B15-6

Based on available information, Integrated Pest Management (IPM) programs would not be able to effectively contain and eradicate a glassy-winged sharpshooter infestation in a period of weeks without undue risk of escape. IPM programs were analyzed as a control method in Chapter 8 of the Draft EIR. As noted in that analysis, the problem facing growers is that a single *Xylella fastidiosa*-infected glassy-winged sharpshooter can infect multiple susceptible plants while feeding. Because the glassy-winged sharpshooter is prolific, disperses rapidly,

comprehensive risk assessment of each pesticide is outside the scope of the PDCP EIR. The use of pesticide materials as part of the PDCP constitutes a minute fraction of the total statewide use of the materials. This is discussed in the Draft EIR. Also see Master Response 6.

Appendix P of the Draft EIR includes consideration of fragile populations. Residue exposure from pesticide applications for the PDCP do not offer unique exposure opportunities that differ from home or public area use as approved by pesticide regulatory agencies. Quantitative analyses of absorption and excretion dynamics (pharmacokinetics) of pesticide chemicals are not impacted by program application, and therefore are not part of the environmental evaluation of the program. Pesticide use by the PDCP is conducted by licensed pest control personnel who would be engaged in their usual occupation, whether on behalf of the PDCP or elsewhere. As described in the Draft EIR, pesticide worker safety regulations specify safe work practices for employees who handle pesticides or work in treated areas.

The Draft EIR does not dispute physiological differences between immature and adult individuals. Information is included concerning altered susceptibility of immature individuals, which is compound-specific, and may be enhanced or reduced in immature individuals. When exposure margins are established by the U.S. EPA, these differences are taken into account. The observation that immature individuals are not universally more susceptible to chemical injury is not in conflict with this. Precautionary measures suggested in the Draft EIR minimize the opportunity for a child to contact treated surfaces before applied materials have dried. Once a spray dries, the transfer of residue from a dry surface is reduced compared to a freshly sprayed surface. As noted, the behavior of children is more likely to include environmental contacts. PDCP personnel advise custodians of schools and daycare centers on appropriate precautionary actions they may take.

However, they have no jurisdiction over management decisions, i.e., the program cannot require such procedures be followed. The same is true when it comes to notification of private residences. Occupants are advised of prudent precautions to reduce potential exposure, including not allowing people or pets onto treated areas until sprays have dried.

Should an individual, including a child, inadvertently contact treated surfaces before sprays have dried, there is no expectation that toxicity would ensue, inasmuch as wide margins of uncertainty are included when government agencies evaluate exposure potentials.

Based on use specifications presented in the Draft EIR, no toxicity to humans is anticipated. As noted in the Draft EIR, exposures that could result from pesticide use for PDCP will be below toxic thresholds. Appendix P of the Draft EIR discusses manifestations of toxic doses of selected pesticides.

B15-8 The proposed PDCP represents an integrated approach for dealing with a serious pest situation, incorporating elements of containment, survey, inspection, treatment, outreach, research, and biological control. See Master Response 7.

Potential effects of treatments on citrus IPM programs are discussed on pages 5.1-7 and 7-5 of the Draft EIR. Program cooperators are aware of the concern about citrus IPM programs, and would work with concerned growers to try to find methods which are both effective for controlling the glassy-winged sharpshooter and compatible with current citrus IPM programs. One should keep in mind that the arrival of the sharpshooter itself poses a threat to disrupting citrus IPM programs, since its feeding wounds the plant, robs it of xylem fluid, and presents the very real threat of vectoring serious plant diseases. As such, citrus IPM programs will likely need adjusting to deal with this new pest situation.

B15-9	This comment and the tables provided are noted. See Master Responses 1 and 2. The profiling of chemical and toxic properties of individual pesticide materials is outside the scope of environmental review of the PDCP. Review of physical and chemical characteristics and general toxicity of individual compounds is conducted by regulatory agencies which are tasked with determining safe use parameters.	B15-10	The second part of the comment letter from Californians for Alternatives to Toxics was received by CDGS and is included as part of letter B15, comments B15-12 to B15-20.
B15-11	These articles and tables are noted.	B15-12	<p>See Master Response 2 and response to comment B15-9. The conditions under which the studies were conducted are not provided in the comment, nor is there any indication as to whether or not the outcome noted was temporary and reversible or permanent. As noted in the Draft EIR, toxicity is dose related, and there are many factors that can influence outcome. The use circumstances of carbaryl in the PDCP do not mimic laboratory study conditions. No application to fish habitat is involved in the PDCP. Coincidental (accidental) introduction of carbaryl into fish habitat would be very limited, if it were to occur at all. The PDCP does not entail direct administration to people or animals, or present repeated regular dosing.</p>
B15-13	<p>Only the U.S. EPA or its designee (CDPR in California) can consult with the USFWS about potential impacts of pesticides for the purpose of registration for use. Additional consultation with the USFWS is required when lead agencies authorize, fund or carry out actions which could affect species listed as threatened or endangered by the USFWS (personal communication Scott Sobiech, Branch Chief, Contaminants, USFWS, Carlsbad Office). The consultation process described in the Draft EIR is the informal consultation process established with the USFWS pursuant to Section 402.13 of the Endangered Species Act. The individual carrying out the consultation for CDFA has been authorized to do so by the USDA APHIS State Plant Health Director in California.</p>		
	<p>The program does not introduce peculiar or new health hazards inasmuch as applications are not different from otherwise standard applications. The extent of applications at any given location is limited. Temporary reversible environmental disruptions have been identified that are program specific. The significance of these disruptions, however, is minor and inconsequential as noted on page 5.4-10 of the Draft EIR.</p>		

As noted in the Draft EIR, the MOU's with CDFG and USFWS describe a process to be used to consult with these trustee agencies about the site specific threats posed by actions taken in this project. This approach is used because unlike typical land use projects, it is impossible to predict where glassy-winged sharpshooter infestations may be discovered. The commenter has “prejudged” the outcome of these consultations by the assumption that incidental “take” will occur. The commenter noted that CDFA has altered pest eradication protocols to accommodate requests from CDFG and USFWS. However, the commenter fails to identify the reason for these changes, that being to avoid “take” of threatened or endangered species and species of special concern and sensitive habitats (see page 4-25 of the Draft EIR). If in the opinion of the trustee agencies, additional measures, including permits for incidental take or monitoring programs, are needed to protect threatened and endangered species or species of concern, then, as noted on page 5.4-7 of the Draft EIR, the agencies would develop them pursuant to the conditions stated in the MOU's. Section 402.13 of the Endangered Species Act specifically allows for modification of actions by the USFWS to avoid adverse effects. The MOU's with CDFG and the USFWS specifically state that if CDFA activities pose potential jeopardy to threatened, endangered or candidate species, CDFA will enter into a formal consultation with CDFG and USFWS, with the attendant requirement for additional environmental analysis. Prejudging the outcome of future consultations is speculative and fails to acknowledge the authority of the trustee agencies.

The commenter also states that the NMFS properly notes that growers are required to follow label directions for pesticides that have not undergone consultation by the U.S. EPA with NMFS. Again, this is out of context with the letter cited. The paragraph cited addresses the concern of the NMFS that if the (PDCP) program is not implemented, unregulated uses of pesticides by growers and others will take place

which will “lead to the greater probability of exposure and take of salmonids” (3rd paragraph, page N-3 of the Draft EIR).

B15-14 See Master Response 1. As stated on page 4-19 of the Draft EIR, prior to the importation and release of biological control agents, CDFA would examine available data according to biological control agent evaluation guidelines (Appendix J of the Draft EIR), and determine whether a permit to import and release a particular natural enemy should be approved. CDFA has evaluated biological control introductions into California over the last century and found no examples of significant negative environmental impacts from permitted introductions. CDFA shares the concerns raised here and elsewhere that the unrestrained movement of living organisms can result in serious environmental degradation, as seen with mongoose, brown tree snake, carp, cane toad, and European rabbit, to name a few highly damaging invasive species that were deliberately released elsewhere. That is why CDFA requires a permit before any insect or plant pathogen is released in the state.

B15-15 As indicated in the Draft EIR, licensed pest control operators and pesticide applicators would apply PDCP pesticide treatments. This means that treatments are conducted under the direction and supervision of duly licensed professionals. Employees of licensed pest control companies need not be licensed, but they must receive training on the safe use of pesticides and the proper application of each material they apply. They also must work under the supervision of a licensed pest control applicator.

As indicated in the Draft EIR on page 4-36, environmental monitoring would be conducted on selected pesticide treatments, not every treatment. See pages 4-36 and 4-37 and Appendix R of the Draft EIR and pages 5-9 through 5-13 of this document for more information.

B15-16 See Master Responses 1 and 2. The comment states that any future use by CDFA of pesticides other than those identified in the Draft EIR must be subject to CEQA review.

The Draft EIR analyzes the impacts of pesticide use for both the regulatory portion of the contain the spread element, and the rapid response element. As new information about the effectiveness of different pesticides against the glassy-winged sharpshooter becomes available, other registered pesticides may also be used. By law, use of these materials must comply with all pesticide regulatory requirements, including satisfactory toxicity evaluations with reasonable certainty of no harm under proposed use conditions. The pesticide registration process takes into account public health and environmental effects associated with applying a pesticide in the manner prescribed. Compliance with label instructions would therefore address potential environmental effects associated with pesticide use.

the pesticides are based on evaluations completed by the U.S. EPA and CDPR.

Through the PDCP's rapid response element, some growers may be required to treat their crops with pesticides to control the glassy-winged sharpshooter. Growers may only treat their crops with pesticides registered for that use. As discussed above, the Draft EIR does not analyze pesticides that are currently not registered for use against the glassy-winged sharpshooter.

B15-17 See Master Response 2 and response to comments B15-9 and B15-12.

B15-18 The EIR for the PDCP fulfills the requirements of CEQA. See Master Responses 1 and 11. Specific comments on the Draft EIR by this commenter are addressed in responses to comments B15-1 through B15-17 and B15-20.

B15-19 This is a reference list for papers submitted to CDFA by Californians for Alternatives to Toxics during the Draft EIR review period. The submitted materials are available for public review at CDFA Plant Health and Pest Prevention offices, 1220 N Street, Sacramento, CA. All submitted materials are included as part of the administrative record. See Chapter 6 of this document for a list of all documents submitted during the public review period.

B15-20 See Master Response 2 and response to comment B15-9.

CDFA has evaluated a number of registered pesticides suitable for use in the rapid response element of the program. An evaluation of the active ingredients, a discussion of inert ingredients, a list of product labels, and general information about the materials that have been used under the emergency program, is provided in the Draft EIR and the appendices. The discussions are focused on materials as they may be used in the PDCP, and are not intended to be comprehensive reviews on hazards that may be associated with other applications. The descriptions of

LETTER

B16

People Opposed to Insecticide Spraying On Neighborhoods
1225 Division Street, Napa, CA 94559

May 17, 2002

Ms. Susan Stratton, Ph.D.
Department of General Services
Real Estate Services Division
P.O. Box 989052
West Sacramento, CA 95798-9052

Re: Comments: Draft Environmental Impact Report for Pierce's Disease Control Program,
California Department of Agriculture (SCH# 2001032084).

Dear Ms. Stratton:

This letter provides comments on behalf of People Opposed to Insecticide Spraying on Neighborhoods, Pesticide Action Network, the Redwood Chapter of Sierra Club, No Spray Action Network, and other organizations that have signed on below in concurrence (collectively "environmental organizations"), regarding the California Department of Food & Agriculture's ("CDFA" or "Department") Draft Environmental Impact Report for its Pierce's Disease Control Program ("PDCP DEIR").¹ These joint comments are supplemental to, and do not replace or otherwise supersede, comments that may otherwise be individually submitted by any of the environmental organizations.

INTRODUCTION

The environmental organizations thank the Department for this opportunity to comment on the PDCP DEIR. In reviewing these comments, it is important for the Department to understand that the environmental organizations generally support many aspects of CDFA's efforts to prevent the spread of Pierce's disease. The environmental organizations do not oppose CDFA's efforts 1) in conducting surveys to determine the current distribution of the Glassy Winged Sharpshooter ("GWSS"); 2) in developing and disseminating empirical information about the nature, characteristics and impacts of Pierce's disease; 3) in providing training and education on the biology and detection of Pierce's disease and GWSS; or 4) in developing statewide, coordinated programs of regulating the movement of commodities that may harbor Pierce's disease and various GWSS life stages.

Despite these many areas of agreement, however, the environmental organizations are opposed to CDFA's adoption of the PDCP DEIR's preferred alternative or any final version of the PDCP that involves the mandatory use of pesticides - especially where such programs are to be carried out over the objection of impacted communities and individuals. In any event, the PDCP DEIR

¹ See Draft Environmental Impact Report for Pierce's Disease Control Program, California Department of Agriculture (SCH# 2001032084) (hereinafter "PDCP DEIR").

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May 17, 2002
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cannot be certified as written because, as explained below, it fails to meet several of CEQA's mandatory requirements.

DISCUSSION

B16-1
(cont.)

The DEIR fails to acknowledge the potentially significant impacts of the PDCP's mandatory pesticide use policies or to discuss or adopt feasible alternatives and mitigation measures to reduce or avoid those impacts. In addition, the DEIR does not adequately consider a reasonable range of alternatives that would achieve the Project's fundamental objectives while avoiding one or more of the project's significant impacts.

I. INADEQUATE STATEMENT OF ENVIRONMENTAL SETTING / BASELINE

CEQA requires that an EIR include "a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation [was] published."² "This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."³

The PDCP DEIR fails to give any meaningful statement of the actual, physical environmental conditions that exist in the various counties where the PDCP will be implemented. The four "Environmental Setting" portions of the DEIR contain vague statements noting that the PDCP's mandatory pesticide use policies could be implemented on a variety of lands, and that pesticides are used by a variety of public and private actors.⁴ While these generalized statements may be factually correct, they hardly meet CEQA's requirement of providing a description of "physical environmental conditions in the vicinity of the project."⁵

The failure of the PDCP DEIR to adequately describe the physical setting of the project creates an ambiguous baseline against which impacts might be measured. In other words, it is not possible for the PDCP DEIR to make any rational determination of whether the proposed

² CEQA Guidelines § 15125, subd. (a).

³ *Ibid.*

⁴ See PDCP DEIR at p. 5.1-1, 5.2-1, 5.3-1, 5.4-1. The PDCP DEIR does contain an entire Chapter describing itself as the "Environmental Setting." See PDCP DEIR at p. 3-1. However this 23-page chapter does not describe the physical environment in the project area at all. Instead, the "Environmental Setting" chapter is dedicated to describing the Glassy Winged Sharpshooter and making a case for why a pesticide-based PDCP is required to save California's agricultural industry.

⁵ Actual descriptions of physical environmental conditions in the vicinity of the project are promised in the impacts analysis chapter (Chapter 5), but such promises are never fulfilled. See PDCP DEIR at p. 3-1.

⁶ CEQA Guidelines § 15125, subd. (a).

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Projects environmental impacts may or may not be significant because the DEIR never actually describes the baseline against which the Project's impacts might be measured.

The PDCP DEIR cannot be certified until it is revised to contain an actual physical description of the areas where PDCP implementation will occur to serve as a baseline for the remainder of the DEIR's analysis, development mitigation measures and alternatives, and determinations of significance.

II. FACTUALLY UNSTORRORED AND DILIGENT FINDINGS OF INSIGNIFICANCE

CEQA requires that an EIR "describe any significant impacts, including those that can be mitigated but not reduced to a level of insignificance."⁶ When preparing an EIR, "[t]he decision as to whether a project may have one or more significant effects shall be based solely on substantial evidence in the record of the lead agency."⁷ Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."⁸ Substantial evidence does not include "argument, speculation . . . , [or] evidence which is clearly inaccurate or erroneous . . ."⁹

The PDCP DEIR cannot "describe . . . significant impacts," because, as noted in the preceding section of this letter, there is no meaningful baseline against which the proposed Project's impacts might be measured.¹⁰ And, even if the DEIR had a legally adequate baseline, several of its findings of "less than significant impacts" are not supported by the evidence before the Department:

A. INAPPROPRIATE RELIANCE ON ANIMAL TESTING TO MAKE FINDING OF "LESS-THAN-SIGNIFICANT IMPACTS" TO HUMAN HEALTH

The PDCP DEIR inappropriately concludes that potential impacts to human health caused by the proposed Project's pesticide policy are "less than significant." The DEIR states, "The U.S. EPA and [California Department of Pesticide Regulation ("CDPR")] consider the potential exposure of people to residues of a pesticide when evaluating it for regulation, and to determine any restrictions necessary to ensure that it can be used safely."¹¹ This statement implies that EPA and CDPR have conducted studies that are conclusive, reliable and comprehensive.

⁶ CEQA Guidelines § 15126.2, subd. (d).

⁷ CEQA Guidelines § 15064, subd. (l). See also Pub. Resources Code § 21082.2, subd. (a).

⁸ Pub. Resources Code § 21082.2, subd. (c); CEQA Guidelines § 15064, subd. (f)(5).

⁹ *Ibid.*

¹⁰ See Discussion at Part I, *supra*.

¹¹ PDCP DEIR at p. 5.2-13.

B16-2 (cont.)

In fact, the studies done on toxic chemicals are not conclusive because they generally assess health effects on laboratory animals. Extrapolating these test results to humans involves a large degree of uncertainty – a point acknowledged by the DEIR: "It would be presumptuous to calculate human sensitivity to an effect that has never been observed in humans from data derived from other animals."¹²

B16-4 (cont.)

In addition, many such studies are unreliable because they are performed by or at the request of industry sponsors who may have a vested interest in obtaining favorable data. For example, companies producing the pesticide DBCP neglected to report reduced sperm counts and atrophied testicles of rabbits and monkeys when they submitted information to fulfill regulatory requirements for registration and labeling.¹³ DBCP subsequently caused the sterility of thousands of banana plantation workers.¹⁴ Such direct, significant impacts on humans require a mandatory finding of significance under CEQA.¹⁵

Finally, such tests are not comprehensive because they do not test for all possible health effects and they usually do not include testing of the "inert" ingredients in pesticides.

B. INAPPROPRIATE RELIANCE ON EXISTING REGULATIONS / LABELING TO MAKE FINDING OF "LESS-THAN-SIGNIFICANT IMPACTS" TO HUMAN HEALTH

The PDCP DEIR inappropriately declares that pesticide applications under the PDCP will have less-than-significant impacts on human health. The DEIR states, "The registration program, use restrictions, and monitoring would ensure that pesticides are applied with reasonable certainty of no harm to human health or the environment."¹⁶ This statement implies that compliance with existing regulations will ensure protection of human health.

B16-5

In fact, there is substantial evidence that current pesticide regulations are inadequate to protect human health. Durban (chlorpyrifos) is just one case in point. Chlorpyrifos is a nerve toxin and suspected endocrine disruptor that was widely, and legally, used in U.S. homes until June 2000, when Dow withdrew its registration of chlorpyrifos for use in homes under pressure from environmental and public health organizations. Before it was restricted, chlorpyrifos resulted in 7,000 reported accidents every year.¹⁷

¹² PDCP DEIR at appendix P, p. P-7.

¹³ Thupp, L. "Direct Damage: DBCP Poisoning in Costa Rica," *Dirty Dozen Campaigner*, May 1989. PANNA.

¹⁴ "DBCP Out-of-Court Settlement," *Global Pesticide Campaigner*, Volume 8, Number 1, March 1998.

¹⁵ See Pub. Resources Code § 21083, subd. (c); CEQA Guidelines § 15065, subd. (d).

¹⁶ PDCP DEIR at p. 5.2-12.

¹⁷ Environmental Working Group, *BanDorban.org*, <http://www.banorbano.org/basics/>

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C. INAPPROPRIATE FINDING OF "LESS-THAN-SIGNIFICANT IMPACTS" TO BENEFICIAL INSECTS USED IN PEST MANAGEMENT PROGRAMS

The PDCP DEIR inappropriately concludes that the impacts of pesticide use on beneficial insects used in agricultural pest management programs will be less than significant. First, as already mentioned, the PDCP DEIR fails to provide any baseline assessment of existing, ongoing agricultural pest management programs in the proposed project area. As a result, there is no baseline from which the DEIR can rationally measure the impacts of pesticide use on beneficial insects used in such programs.

Second, the Department already has evidence from its GWSS eradication efforts in Kern County indicating that pesticide-based GWSS control efforts have forced affected citrus growers to abandon their IPM programs and return to a cycle of pesticide dependency:

The insecticides that work well to control GWSS are not compatible with vedalia beetles. Thus, we are likely to see outbreaks of cottony cushion scale develop in Kern County that will then require treatment with additional broad spectrum insecticides such as Malathion and Supracide. This, in turn, will disrupt attempts to control citrus thrips, red scale, and mites with natural enemies. Eventually, GWSS and other pests will develop resistance to these pesticides because of repeated use and we will see outbreaks of other pests. Because of the seriousness of the GWSS as a vector of disease, a number of growers in Kern County have abandoned an excellent IPM program and stepped back onto a pesticide treadmill.¹⁸

In short, the evidence before the Department shows that pesticide use under the PDCP will have significant impacts on any nearby use of beneficial insects in pest management programs for at least two reasons: 1) the "accidental" eradication of beneficial insects will result in environmental degradation through the spread of other diseases or infestations that these insects would otherwise keep under check, and 2) on-farm increases in pesticide use, and cyclical use of multiple pesticides, to combat other diseases and infestations that were previously controlled by beneficial insects.

D. INAPPROPRIATE FINDING OF "LESS-THAN-SIGNIFICANT IMPACTS" DUE TO DISRUPTION OF ORGANIC FARMING

CEQA requires that an EIR's analysis focus on changes in the physical environment.¹⁹ "Economic or social effects of a project may be used to determine the significance of physical changes caused by the project."²⁰ In other words, the first question in CEQA analysis is whether

¹⁸ Grafton-Cardwell, E., and Kalleen, C., "Efficacy of insecticides used for GWSS control in Citrus," *Proceedings of the Pierce's Disease Research Symposium*, Coronado Island Marriott Resort, California, Department of Food and Agriculture, December 5-7, 2002.

¹⁹ CEQA Guidelines § 15131, subd. (a).

²⁰ CEQA Guidelines § 15131; subd. (b).

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there will be a physical change to the environment.²¹ If there is no change to the physical environment, then economic or social changes alone will not require CEQA analysis. But where a physical change is present, "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment."²²

The PDCP DEIR inappropriately finds that forced application of pesticides at and near organic farms is a "less than significant" impact. The DEIR states, "Organic farms could be temporarily converted to non-organic farms; however this conversion would not result in a conversion of agricultural lands to non-agricultural use."²³ The DEIR concludes that this is not a "significant impact" for CEQA purposes, because even though it may be "economically adverse" to organic farmers, "[o]rganic farms could be temporarily converted to non-organic farms."²⁴

Perhaps it is true that some farmers might convert to non-organic farming. However, it is a reasonable inference that other farmers might choose to use their land for other, non-agricultural uses. The PDCP DEIR contains no baseline information on the number or locations of such farms to allow any meaningful evaluation of impacts, and presents no evidence to support its optimistic prediction that organic farms will "cross over" to non-organic farming.

Second, the claim that a switch to non-organic farming would only be temporary fails to adequately contemplate the full consequences of using pesticides to control GWSS on and near organic farms. As pointed out above, the pesticides that would be used to control GWSS will also kill beneficial insects.²⁵ As a practical matter, returning to organic farming may be difficult, if not impossible, once these farmers find themselves on the "pesticide treadmill".²⁶

Conventional agriculture methods are also often incompatible with practices that conserve soil, water and biodiversity resources. As a result, conversion to conventional farms will likely result in the loss of diverse wildlife habitats typical on organic farms – an impact that the DEIR does not recognize at all, since it assumes that impacts to organic farms will only be economic.

In addition to on-farm impacts, the conversion of organic farms to non-organic production methods may have significant, off-farm impacts. Pesticides can be carried in water and soil flowing off cropland into streams and lakes. They also drift directly into water bodies. Organic farms tend to avoid many of these off-farm impacts because synthetic pesticides are not used and nutrients are carefully managed to reduce or eliminate runoff and leaching to groundwater.

²¹ See Discussion following CEQA Guideline § 15131.
²² Id. citing *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985) 172 Cal. App. 3d 151.
²³ PDCP DEIR at p. 5-19.

²⁴ Ibid.

²⁵ See Discussion at Part II.C, *sopra*.

²⁶ See Discussion at note 18, *sopra*.

**B16-7
 (cont.)**

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Increased pesticide use associated with conversion of organic farms could have impacts on fish stocks. Pesticides impact fisheries by directly poisoning fish, by eliminating the insects and invertebrates fish eat, or by killing aquatic plants that reduce oxygen levels as they decompose. Pesticide residues were detected in almost all of the 119 species examined in a 1997 nationwide survey of fish tissue.²⁷ Pesticides impact the fishing industry through direct losses of fish and through the contamination of fish tissue, which has led to health advisories directing people to limit their intake of freshwater and estuarine species. Pesticides kill an estimated 6 to 14 million fish per year – a conservative estimate, given that most fish kills go unreported.²⁸

Increased pesticide use also impacts birds. Pesticides affect birds through direct poisoning, the consumption of contaminated prey, reduced survival and reproduction, and the elimination of food sources and refuges. A conservative estimate places the number of birds killed by pesticides per year in the United States at 67 million.²⁹

Pesticide loading caused by conversion of organic farms may also have impacts on human health. Pesticides have been detected in the sources of water supplies serving 16.5 million people in 46 of California's 58 counties over the past ten years.³⁰ Some of these contaminated aquifers are the sole source of drinking water for rural communities.

On the consumer side of the equation, store monitoring of California produce revealed that 35 percent of fruits and vegetables tested had pesticide residues.³¹ On average, 665 cases of poisoning by agricultural pesticides were reported each year from 1991 to 1996, with many more cases going unreported.³² These impacts also may increase as organic farms are converted to non-organic methods.

California's organic farming industry has grown significantly over the past several years. The PDCP's mandatory pesticide approach to GWSS control threatens not only organic farms, but also grocery stores who sell their products, and consumers that rely on organic products. A

²⁷ Pimentel, D. and A. Greiner, "Environmental and socio-economic costs of pesticide use," *Techniques for Reducing Pesticide Use: Environmental and Economic Benefits*, D. Pimentel (Ed.), John Wiley & Sons, Chichester, UK, 1997.

²⁸ Ibid.

²⁹ Pimentel, D. and A. Greiner, "Environmental and socio-economic costs of pesticide use," *Techniques for Reducing Pesticide Use: Environmental and Economic Benefits*, D. Pimentel (Ed.), John Wiley & Sons, Chichester, UK, 1997.

³⁰ Heavner, B., Toxics on Tap: Pesticides in California Drinking Water Sources, California Public Interest Research Group Charitable Trust, San Francisco, CA, 1999.

³¹ California Department of Pesticides Regulation, *Residues in Fresh Produce—1995*, 1997.

³² Reeves, M., Schaffer, K., Hallward, K., and Katten, A., *FIELDS OF POISON: California Farmworkers and Pesticides*, Pesticide Action Network, 1999.

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PDCP that relies on a combination of alternative GWSS control practices, rather than conventional pesticides, has the potential to eradicate the insect while preserving California's organic farms.

In summary, substantial evidence before the Department suggests that the PDCP may have significant economic impacts on organic farms, which, in turn, may result in significant physical changes to the environment. The EIR's attempt to discount these impacts as only being "economically adverse" to organic farmers fails to adequately consider the reasonable inferences 1) that organic farmers might choose to convert to non-agricultural uses if their farms are impacted by pesticide spraying programs under the PDCP, and 2) that pesticide application under the PDCP could disrupt the ecological balance of some organic farms with the result of multiplying the use of toxic chemicals. The PDCP DEIR cannot be certified until analyzes all of the Project's potentially significant physical impacts to the surrounding environment, including impacts to water quality, human health and wildlife, even if those changes may result from economic impacts.³³

B16-7 (cont.)

III. INADEQUATE CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES

CEQA requires that an EIR describe feasible mitigation measures that could minimize or avoid a proposed project's potentially significant impacts.³⁴ The PDCP DEIR fails to describe such mitigation measures because 1) its ambiguous baseline provides no meaningful reference point for evaluation and 2) the DEIR erroneously concludes that the PDCP will have no significant environmental effects.³⁵

The PDCP DEIR cannot be certified until it provides a meaningful analysis of whether the proposed Project may have significant impacts on the environment and then describes feasible mitigation measures that could minimize or avoid those impacts.

IV. INADEQUATE CONSIDERATION AND DISCUSSION OF ALTERNATIVES

CEQA requires that an EIR describe a reasonable range of alternatives "that will foster informed decisionmaking and public participation," and "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project."³⁶ The stated objective of the PDCP DEIR is to "minimize the statewide impact of Pierce's disease and glassy-winged sharpshooter."³⁷

³³ See CEQA Guidelines, § 15131.

³⁴ CEQA Guidelines § 15136.4, subbd. (a).

³⁵ See Discussion at Parts I and II, *supra*.

³⁶ CEQA Guidelines § 15126.6, subbd. (a).

³⁷ PDCP DEIR at p. 4-2.

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The PDCP DEIR fails to meet CEQA's requirements because it does not consider a reasonable range of alternatives, and because it declares all alternatives infeasible without any meaningful baseline for its feasibility analysis.

A. THE PDCP DEIR FAILS TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The environmental organizations agree with the PDCP DEIR's statement that many components of the PDCP will not have adverse environmental consequences.³⁸ The environmental organizations generally support the Department's commitment to continue such activities to the extent that they are directed toward developing an environmentally responsible PDCP.

The environmental organizations part company with the PDCP DEIR, however, when it concludes that the environmentally superior alternative is the PDCP's mandatory use of pesticides in non-agricultural areas to eradicate GWSS infestations.³⁹ The PDCP DEIR's conclusions regarding its proposed alternatives fail to meet CEQA's requirements, because the PDCP DEIR fails to analyze a reasonable range of alternatives, especially in light of public participation in response to the Notice of Preparation.

The PDCP DEIR considers four alternatives: the No Project alternative; Alternative A (regulating commodities but taking no action against GWSS infestations); Alternative B (regulating commodities and eradicating GWSS on agricultural lands only); and Alternative C (regulating commodities and eradicating all GWSS infestations, but prohibiting the use of conventional pesticides in non-agricultural areas). In turn, each Alternative is rejected for the reason that GWSS would populate non-agricultural areas and because alternatives to pesticides, if they were used, would fail.

In their Notice of Preparation comment letter however, the environmental organizations and others requested that the Department analyze an alternative with a higher degree of precision in avoiding the application of pesticides in non-agricultural areas.⁴⁰ The PDCP DEIR should have analyzed an alternative that incorporates a reasonable degree of individual choice and the use of alternatives in areas where sensitive persons gather. For example, based on the comments received, and in the interest of fostering public participation, the Department might easily have constructed an Alternative similar to the following:

³⁸ PDCP DEIR at p. 8-2.

³⁹ See PDCP DEIR at p. 8-29.

⁴⁰ See Keith G. Wagner, Program Director, California Legal Advocates for Wildlife, letter to Susan Stratton, Department of General Services (Apr. 23, 2001) (hereinafter "NCP Comment Letter"). A copy of the environmental organizations' Notice of Preparation comment letter is attached as Exhibit 1. The contents of Exhibit 1, as they are relevant to supplement these comments on the PDCP DEIR, are herein incorporated by reference.

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Alternative D: Regulate the movement of commodities that may carry the glassy-winged sharpshooter and abate all infestations of glassy-winged sharpshooter outside of the generally infested areas, use of conventional pesticides in non-agricultural areas where permitted, and the use of alternatives around areas where sensitive persons may gather (e.g., schools, day care centers, elderly centers, medical clinics) and for residents who do not want pesticide spraying.

Such an Alternative would give the state, the county, and farmers the full PDCP program, with only localized restrictions on pesticide use based on reasonable, publicly requested, precautionary considerations. At most, the added burden of such an Alternative would be minimal, requiring the development of strategies to use localized alternative treatments and to quarantine those areas until GWSS are under control. Most significantly, this suggested Alternative does not restrict pesticides from all nonagricultural areas. And, this is the Alternative that was minimally requested by the environmental organizations in submitting their Notice of Preparation comments.⁴¹

At its base, this Alternative - unlike the three proposed in the PDCP DEIR - attempts to strike some balance between the government's interest in protecting agriculture, and the individuals' right to choose. "Alternative D" gives the Department freedom to carry out its work. It also gives protection to the public. The environmental organizations recognize that many people may not object to the use of pesticides. But with the Department's consideration and acceptance of Alternative D, those who do object could at least request an array of alternatives.

The environmental organizations accept the fundamental premise that the public must participate in any adopted PDCP if it is to be a success. By forcing the adoption of a PDCP that has already met with public resistance, the Department unnecessarily puts its GWSS control efforts - and its goodwill in non-agricultural communities - at risk. Who would willingly report GWSS in their own backyard if they know the likely thanks for their efforts will be a drenching with conventional pesticides? On April 29th at the Napa public meeting on the Draft EIR for the PDCP, I stated:

I believe the majority of us agree that we must participate in stopping this insect from getting established here. There is something we can do to help the farmers, our neighbors. How we participate is what matters. I do not want people in my community forcibly sprayed. I do not want my Agricultural Commissioner or the good farmers of my community to do something bad by having their neighbors forcibly sprayed. I do not want the farmers to be hurt by the bad media that will

⁴¹ See Exhibit 1, NOP Comment Letter, *supra*, at p. 11.

B16-9 (cont.)

B16-9 (cont.)

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council of this. Perhaps that is in [the Department's] risk analysis, and they are willing to accept it. I, on the other hand, do not want anyone hurt.⁴²

The people represented by POISON are not alone in their concerns. If the PDCP is implemented as currently proposed, one of the fundamental failing points of the program will be ongoing public resistance. The Department should not implement a GWSS control program that saddles urban and suburban communities with a "tobacco's" choice between 1) reporting GWSS in their neighborhoods with full knowledge that the report will result in forced spraying of their own and their neighbor's properties, or 2) protecting the economic interest of unknown grape growers located miles away.

If pesticide use in non-agricultural areas must be included in the PDCP - a premise that the environmental organizations do not concur in the first instance - then the Alternatives to the proposed Project should have incorporated and analyzed policies 1) that meet CEGQA's mandate of fostering public participation, and 2) that foster public trust and acceptance by avoiding the imposition of "one-size-fits-all" pesticide spraying programs.

B. THE PDCP DEIR INAPPROPRIATELY DECIDES THAT ALL ALTERNATIVES TO PESTICIDES ARE INFEASIBLE

Only one of the analyzed project alternatives, Alternative C, actually contemplates the use of alternatives to pesticides in treating GWSS in non-agricultural areas.⁴³ However, before analyzing any of the proposed Alternatives to the project, the PDCP DEIR considers a list of approximately 16 "alternative" GWSS control methods.⁴⁴ Considering each method in isolation and with no environmental context, the PDCP DEIR concludes that none of the alternative treatment methods are feasible.⁴⁵

i. INAPPROPRIATE DISMISSAL OF ALTERNATIVES WITH NO CONTEXT

The PDCP DEIR's approach to pesticide alternatives is both logically and legally flawed. First, by considering each of the alternatives in isolation without any adequate statement of the existing environmental setting(s) in which it might be applied, the PDCP DEIR's cannot rationally conclude that alternative treatment methods are, in fact, infeasible. Instead, the alternative treatment methods should have been treated as a range of available options that could be used alone, or in combination, depending on the actual environmental setting involved.

⁴² Lowell Downey, founding member POISON, pers. comm. (Apr. 29, 2002).

⁴³ See PDCP DEIR at p. 8-24. The PDCP DEIR also contains one alternative that was considered but withdrawn, requiring that the PDCP DEIR only use alternatives to treat GWSS. See PDCP DEIR at p. 8-28.

⁴⁴ See PDCP DEIR at pp. 8-2 to 8-12. "Alternatives," in this context, means methods of control that would not involve the use of conventional pesticides.

⁴⁵ See PDCP DEIR at pp. 8-6, 8-12 to 8-13.

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The PDCP DEIR fails to reasonably analyze 1) the cumulative ability of these methods to control GWSS, 2) how the alternatives might be combined with conventional pesticides to minimize the PDCP's toxic impacts, or 3) how any given environmental setting might render any given alternative more or less effective. Without this minimal information the PDCP DEIR cannot logically conclude that all alternatives to pesticides are categorically infeasible.

ii. INAPPROPRIATE DISMISSAL OF ALTERNATIVES – EXAMPLE: KAOLIN CLAY

As one example, the PDCP DEIR's analysis fails to adequately discuss how an alternative like kaolin clay could be used to contain GWSS infestations. Despite the dismissive treatment it is given in the DEIR, preliminary studies show excellent results using Surround, a particle film containing kaolin clay, which has proven more effective than insecticides at controlling sharpshooters in citrus, and which is approved for use on organic farms.⁴⁶

Grape growers can also protect their crops from Pierce's disease by applying Surround in vineyards to prevent sharpshooter feeding and egg-laying on the vines. Vineyards along riparian areas in Northern California report using kaolin clay to repel the bluegreen sharpshooter back into riparian areas, with good results. To the extent that grape growers are able to repel glassy-winged sharpshooters out of their vineyards and prevent them from laying eggs on the vines, there will be less need for stringent eradication measures in non-agricultural settings, and more opportunity to rely on biological control measures, such as the release of parasitic wasps.

Kaolin clay and biological or other alternative control methods could be used together as an alternative to synthetic pesticide applications in residential areas. For example, pest-control operators could contain the sharpshooter within a residential area by applying Surround on properties around the periphery of the infested area and then use a combination of complimentary alternative methods – such as hand picking, vacuuuming, release parasitic wasps, and/or the possible application of organic pesticides (if necessary) – to keep GWSS population under control within that boundary.

iii. INADEQUATE ANALYSIS OF ALTERNATIVES – EXAMPLE: INTEGRATED PEST MANAGEMENT

The PDCP DEIR's three-paragraph dismissal of Integrated Pest Management programs is particularly troubling. The first paragraph vaguely describes IPM as using "one or more of the techniques described above" to control GWSS.⁴⁷ The second paragraph states that IPM efforts

⁴⁶ Putetka, G., "Alternatives to Conventional Chemical Insecticides for Control of Glassy-Winged Sharpshooter," *Proceedings of the Pierce's Disease Research Symposium, Coronado Island Marriott Resort, California Department of Food and Agriculture, December 5-7, 2002*.

⁴⁷ See PDCP DEIR at p. 8-12.

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have been used in Texas and that Texas grape growers "have lost millions of dollars to Pierce's disease."⁴⁸ The last paragraph concludes that 1) IPM methods may not be able to adequately reduce GWSS numbers; 2) that growers who use pesticides to treat GWSS may disrupt IPM programs that are already in place; and 3) that if a cure for Pierce's disease itself is found then IPM would be unnecessary.⁴⁹

**B16-12
(cont.)**

This "analysis" is fundamentally flawed because 1) it does not discuss or compare the actual IPM techniques used in Texas; 2) it does not correlate the geographical relationship between IPM programs in Texas and the areas where financial losses to Pierce's disease occurred; 3) it concludes that IPM "may" not be able to adequately reduce GWSS numbers with no underlying data; 4) it declares that other growers' use of pesticides would neutralize IPM programs, even though IPM programs in non-agricultural areas would likely not be affected by voluntary pesticide use in agricultural areas located miles away; and 5) the PDCP's preference for using pesticides to control GWSS would be equally obsolete if a cure for Pierce's disease were found.

iv. INELEGAL CONSIDERATION OF "INFEASIBLE" ALTERNATIVES

Finally, even if the PDCP DEIR's overt effort to "divide and conquer" the alternatives to pesticides was not an abuse of discretion, then the PDCP DEIR's analysis of inflexible project Alternatives is.

As stated, CEQA requires that the lead agency consider a reasonable range of *feasible* alternatives to the Project.⁵⁰ Yet, Alternative C proposes to implement the very alternative control methods that the Department has previously (improperly) discredited as inflexible. If the use of alternatives to pesticides is truly inflexible – a premise that the environmental organizations do not believe the Department has adequately shown – then the Department's consideration of Alternative C violates CEQA because it is designed around "infeasible" control methods. If, on the other hand, Alternative C is potentially feasible – a more likely scenario – then the Department must revisit its analysis of the alternatives to pesticides to admit that at least some of those alternatives, either alone or in combination, are capable of achieving the Project's fundamental objectives.

V. INADEQUATE CONSIDERATION OF CUMULATIVE IMPACTS

CEQA requires that an EIR "discuss cumulative impact of a project, when the project's incremental effect is cumulatively considerable . . ."⁵¹ A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.⁵² A project's impacts are "cumulatively considerable" when the project's effects combined with the effects of other past, present and probable future projects are considerable.⁵³ "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."⁵⁴

⁴⁸ See PDCP DEIR at p. 8-12.⁴⁹ See PDCP DEIR at p. 8-12.⁵⁰ See Discussion at note 36, *supra*.⁵¹ CEQA Guidelines § 15130, subd. (a).**B16-14
(cont.)**

An adequate cumulative impacts analysis must contain either 1) a list of past, present, and probable future projects, or 2) a summary of projections from a prior planning or environmental document that evaluates area-wide conditions contributing to cumulative impacts.⁵⁵ It must also "examine reasonable, feasible alternatives for mitigating or avoiding the project's contribution to any significant cumulative effects."⁵⁶

The PDCP DEIR fails to reasonably consider the proposed Project's cumulative impacts. First, as this letter has demonstrated, the DEIR fails to adequately consider the Project's own impacts or any reasonable mitigation measures or alternatives to reduce or avoid those impacts.⁵⁷ Because the DEIR fails to recognize or mitigate the Project's own impacts, there is no way for it to assess whether those impacts will be "cumulatively considerable" when combined with the effects of other projects.

Second, the cumulative impacts analysis is incomplete. In establishing the basis for cumulative impacts, the PDCP DEIR only considers other programs that use pesticides. However, other types of non-pesticide projects could reasonably result in cumulative impacts under the PDCP. For example, as mentioned above, the decertification of organic farms coupled with demand for housing or industrial development could result in significant conversions of agricultural land to other uses.⁵⁸ Or, pesticide use impacting streams, combined with siltation caused by logging operations, road maintenance, and similar projects could have cumulative impacts on biological resources. In short, even if the PDCP DEIR had adequately analyzed its own impacts, the list of projects qualifying for cumulative impacts analysis in the DEIR is arbitrarily truncated, leading to an incomplete review of potentially significant cumulative impacts.

Third, the PDCP DEIR's analysis of cumulative impacts is also flawed because it fails to consider the potential, long-term implications of carrying out the PDCP's pesticide spraying programs. Although the DEIR suggests that the Department is seeking other, non-toxic methods of controlling GWSS, the DEIR cannot assume that impacts associated with spraying programs

B16-15**B16-16****B16-17**⁵² CEQA Guidelines § 15130, subd. (a)(1).⁵³ CEQA Guidelines § 15065, subd. (c). See also CEQA Guideline § 15355, subd. (b).⁵⁴ CEQA Guidelines § 15355, subd. (b).⁵⁵ CEQA Guidelines § 15130, subd. (b).⁵⁶ CEQA Guidelines § 15130, subd. (b)(3).⁵⁷ See Discussion at Parts I-IV, *supra*.⁵⁸ See Discussion at Part II.D, *supra*.

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will only be short term where the Department has (inproperly) dismissed all reasonable alternatives.

Fourth, and finally, the PDCP DEIR must also analyze the cumulative impacts of using multiple pesticides in combination. The PDCP DEIR contains no analysis of how pesticides used in combination might have heightened or additional significant impacts on the environment. For example, in its efforts to control GWSS in Brentwood, CDFA used combinations of pesticides without any prior analysis as to whether such combinations might result in synergistic impacts on the environment. The PDCP DEIR should more clearly state whether, and which, such “pesticide cocktails” might be used to eradicate GWSS, and discuss the potentially significant cumulative impacts of such mixed uses.

VI. OTHER CONCERNS/COMMENTS

The environmental organizations also raise the following points of concern with the scope of the PDCP DEIR's analysis and its use as a tiered environmental document.

A. FAILURE TO ANALYZE POTENTIALLY SIGNIFICANT AIR QUALITY IMPACTS

The PDCP DEIR states that Air Quality, among the environmental resources, will not be affected by the Project.⁵⁹ The DEIR states that the only air-quality related impacts of the project are the potential effects of hazardous air emissions related to the use of pesticides in the PDCP.⁶⁰

Again, because the DEIR fails to establish a meaningful baseline, its off-hand dismissal of potentially significant air quality impacts is unreliable. The DEIR fails to contain any baseline information on existing non-attainment areas across the state, and fails recognize that contributions to existing non-attainment air quality status should be recognized as a potentially significant, requiring the development of feasible mitigation measures or alternatives to reduce or avoid such impacts.⁶¹

B. INAPPROPRIATE DEFERRAL OF MITIGATION FOR SENSITIVE SPECIES AND HABITATS

When considering impacts to listed or other special status species, the PDCP DEIR states that CDFA has Memoranda of Understanding (MOUs) with the California Department of Fish (CDFFG) and Game and the United States Fish & Wildlife Service (USFWS). “CDFA has used the process described in the MOU with CDFFG and USFWS to address potential impacts to special status species and sensitive habitats.”⁶²

⁵⁹ See PDCP DEIR at p. 1-5.

⁶⁰ See *ibid*.

⁶¹ See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.

⁶² PDCP DEIR at p. 5-4-7.

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B16-16 (cont.)

The PDCP DEIR states that “under the communication procedures established by CDFA,” the Department would: 1) provide CDFFG and USFWS with maps of areas where pesticide spraying is to occur, 2) consult the California Natural Diversity Database to determine whether special status species or sensitive habitats are present, and then 3) “the agencies would then develop appropriate mitigation measures to be taken to protect these resources.”⁶³

B16-19 (cont.)

Nothing in the PDCP DEIR actually describes the terms of the existing MOUs, or whether they meet state or federal requirements of obtaining an incidental take permit before killing listed species. Nothing in the PDCP DEIR explains how CDFA's “communication procedures” were developed, or whether CDFFG and USFWS concur that the Department's procedures will actually be effective in preventing the unauthorized take of listed species. The PDCP DEIR's sole reliance on positive-sighting databases to delineate special status species and sensitive habitats is also legally inadequate, because CEQA requires a description of the actual existing environment—not of an existing database—as the baseline for analyzing environmental impacts.

The PDCP DEIR should not be approved until 1) CDFA obtains incidental take permit for species that may be impacted by mandatory pesticide spraying programs, and 2) measurable performance standards for impacts to listed species and sensitive habitats are adopted to ensure that implementation of the PDCP includes all feasible mitigation measures and alternatives that will reduce or avoid impacts to sensitive species and habitats.

C. INAPPROPRIATE USE OF TIERING WHERE UNDERLYING COUNTY WORKPLANS HAVE ALREADY BEEN APPROVED

The PDCP DEIR states that it is a “programmatic EIR for the statewide effort to control Pierce's Disease and the GWSS.”⁶⁴ The PDCP DEIR acknowledges that the implementation of the PDCP relies on the formulation and adoption of county specific PDCP workplans, that variations from the standard program might be allowed, and that if such variation is allowed, it will be up to the individual counties to perform workplan specific environmental analysis where necessary to supplement the PDCP DEIR.⁶⁴

B16-19

The problem with this approach is that many counties have already approved their PDCP workplans. For example, when Napa County approved its program last year, local citizens demanded that CEQA analysis be prepared addressing site-specific impacts in Napa. The County responded that CEQA analysis was being conducted by CDFA for all county workplans. Now, CDFA has offered only a programmatic document (with no site specific environmental setting information for Napa or any other county), and states that the counties will perform site specific analysis as needed.

⁶³ PDCP DEIR at p. 1-3.

⁶⁴ PDCP DEIR at p. 4-12.

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The citizens of Napa and other counties relied on their county government's assurances that CDEA was preparing an EIR that would cover the project-specific workplans as well as CDEA's statewide PDCP programs and regulations. Now, the Department has only prepared one-half of the promised analysis, and indicated that review of all site-specific impacts – including impacts to sensitive persons, habitats and listed species – will follow as individual county plans are approved.

CDEA must explain why it has not conducted site-specific analysis in the PDCP DEIR after several counties – in approving their GWSS workplans last year – promised their citizens that the Department had taken the lead on county-level analysis. CDEA must explain how it now intends to honor the counties' promises that the Department will conduct county-by-county, site-specific analysis for its PDCP.

CONCLUSION

As stated at the beginning of this letter, the environmental organizations appreciate CDEA's efforts to document and analyze the environmental impacts associated with its Pierce's Disease Control Program. The environmental organizations support many of the aspects of CDEA's past and present efforts to learn more about the biology of GWSS and environmentally responsible methods of limiting the spread of Pierce's disease.

Many experts would disagree with the DEIR's assertion that "[t]he best that can be offered is reasonable assurance, based on substantial available data, that the hazard potential is less than significant." They would instead recommend the application of the Precautionary Principle. As then-New Jersey Governor (now U.S. EPA Administrator) Christine Todd Whitman explained during an October 2000 speech at the National Academy of Sciences in Washington, D.C., "policymakers need to take a precautionary approach to environmental protection.... We must acknowledge that uncertainty is inherent in managing natural resources, recognize it is usually easier to prevent environmental damage than to repair it later, and shift the burden of proof away from those advocating protection toward those proposing an action that may be harmful."⁶⁵

The PDCP DEIR cannot be certified as it is presently written. Among its deficiencies, the PDCP DEIR improperly concludes that the proposed Project will not result in significant environmental impacts, fails to adopt feasible alternatives and mitigation measures that would minimize or avoid those impacts, and fails to adequately consider a reasonable range of alternatives.

Rather than simply taking a "band aid" approach to correcting the DEIR's deficiencies, however, the environmental organizations urge CDEA to instead develop and analyze a preferred alternative that avoids altogether the use of poisons and insecticides in California's

⁶⁵ Appell, D., "The New Uncertainty Principle," *Scientific American*, January 2001.

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neighborhoods and habitats. "At the very least, [the environmental organizations] insist that CDEA develop a preferred alternative that avoids and fully mitigates the impacts that pesticide spraying will have on the most sensitive segments of California's population and wildlife, and which ensures that no community or individual will be subjected to direct or indirect impacts associated with forced exposure to poisons and insecticides against their will."⁶⁶

B16-21
 (cont.)

Sincerely,

Lowell Downey

ON BEHALF OF:

People Opposed to Insecticide Spraying On Neighborhoods
 1225 Division Street, Napa, Ca 94539
 Attn: Lowell Downey

Pesticide Action Network North America
 Attn: Jessica Hamburger
 49 Powell St., Suite 500, San Francisco, CA 94102

No Spray Action Network
 Attn: Gail Dubinsky, M.D.
 P.O. Box 1317, Occidental, CA 95465

Action Now
 Attn: Annie Waterman, Secretary
 2219 W. Olive Avenue, #254, Burbank, CA, 91505
 Albany Coalition for Environmental Health
 Attn: Donofreia Dorenz, Chair
 1200 Neilson St., Berkely, Ca. 94706

Biological Urban Gardening Services
 Attn: Steven M. Zien, Executive Director
 PO Box 76, Citrus Heights, CA 95611
 Bioscape Inc.,
 Attn: Ralph Zingaro - PCA #07123
 4381 Bodega Ave.; Petaluma, CA 94952

⁶⁶ Exhibit I, NOP Comment Letter, *supra*, at p. 11.

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Breast Cancer ActionAttn: Barbara Brenner, Executive Director
55 New Montgomery Street, Suite 323; San Francisco, CA 94105**Butte Environmental Council**Attn: Barbara Vlantis, Executive Director
116 W. Second Street, Suite 3, Chico, CA 95928**California Certified Organic Farmers**Attn: Brian Leahy, President
1115 Mission Street, Santa Cruz, 95060**California Coalition for Alternatives to Pesticides**Attn: Lee Hudson, Chair
10984 Ridge Road, Nevada City, CA, 95959-8751**California Indian Basketweavers Association**Attn: Vivian Parker, Resource Policy Analyst
P.O. Box 2307, Nevada City, CA 95959**Californians for Pesticide Reform**Attn: David Chaffield, Executive Director
49 Powell St., Suite 500, San Francisco, CA 94102**Center for Ethics and Toxics**Attn: Britt Bailey, Senior Associate
PO Box 673, Guadalupe, CA, 95445**The Center for Urban Agriculture at Fairview Gardens**Attn: Matthew Logan, Administrative Director
598 N. Fairview Avenue, Goleta, CA, 93117**Costello Farms**Attn: Michael Costello
P.O. Box 31, Bodega, CA 94922-0031**Kenneth Crittenden**

7338 E. Hurbut Ave.; Sebastopol, CA 95472

Lauren Darges

P.O. Box 1007, Sebastopol, CA 95473

Davenport Citizens AssociationAttn: Susan Shane
250 Cottini Way, Bodega, CA, 95060**Ms. Susan Stratton - Comments on PDCP DEIR**

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Ecological Farming AssociationAttn: Kristin Rosenow
406 Main Street, # 313; Watsonville 95076**Ecology Center**Attn: Martin Bouque, Executive Director
2530 San Pablo Avenue, Berkeley, CA, 94702**Environmental Health Association**Attn: Amie Jackson, Director
1800 S. Robertson Blvd., pmh380, Los Angeles, CA, 90035**Environmental Health Network**Attn: Barbara Wilkes, President
PO Box 1135, Larkspur, CA 94957-1135**Environmental Working Group**Attn: Bill Walker, California Director
1904 Franklin St., Ste. #15, Oakland, CA, 94612**Robert Fisher**

4185 Venice Lane, Carpinteria, CA 93013

Friends of the Navarro WatershedAttn: Stephen Hall
P.O. Box 861, Bonoville, Ca, 95415**FresCoAMP (Fresno Coalition Against the Misuse of Pesticides)**Attn: Joan Poss
4061 North Wilson; Fresno CA 93704**Global Justice / Direct Action Network Sonoma County**Attn: R. Miles Meidenthal
c/o 1327 Baird Road, Santa Rosa, CA 95409-2510**Gronen Community Services Project**Attn: Merilyn Joyce
PO Box 110, Graton, California 95444**Group for Alternatives to Spreading Poisons**Attn: Lee Hudson, Chair
10984 Ridge Road, Nevada City, CA, 95959

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Healthy Children Organizing Project

Attn: Neil Gendel, Project Director
717 Market Street, Ste. 310, San Francisco, CA, 94103

Celeste J B Ioki
(Property owner of vineyards in Sonoma county)
821 Appleberry Dr., San Rafael, CA 94903

Mijo Kelley
7620 Sonoma Hwy., Santa Rosa, CA 95409

Helen Kochenderfer
945 Crest Drive, Santa Rosa, CA 95404

Kokopelli Farm
Attn: Shepherd Bliss, Proprietor
1543 Cunningham Road, Sebastopol, CA, 95472-5534

Lease/Burnell Family
Attn: Karin Lease
428 Bowers St, Graton, Ca

Mendocino Cancer Resource Center
Attn: Sara O'Donnell
P.O. Box 50, Mendocino, CA 95460

Napa County Green Party
Attn: Glynn Baker
2854 Laurel Street, Napa, CA 94558

National Center for Environmental Health Strategies, Inc.
Attn: Mary Latrelle
1100 Rural Avenue, Voorhees, New Jersey 08043

Natural Law Party
Attn: Ellen Jeffords
1145 Garfield Ave, Albany CA 94706

Kelli Nelson
(Concerned resident with children living near possible "spray zones")
122 Poole Street, Arroyo Grande, CA 93420

Northcoast Environmental Center
Attn: Tim McKee, Executive Director
879 9th Street, Arcata, CA, 95521

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Occidental Arts and Ecology Center

Attn: Dave Henson, Director
15290 Coleman Valley Road, Occidental, CA 95465

Organic Agriculture Advisors

Attn: Arriago Canikau
P.O. Box 942, No. San Juan, CA 95960

Organic Consumers Association

Attn: Ronnie Cummins, National Director
6101 Cliff Estate Road, Little Marais, MN, 55614

Organic Farming Research Foundation

Attn: Brise Tencer, Policy Program Assistant
P.O. Box 440, Sacramento, CA 95860

Physicians for Social Responsibility, Los Angeles Chapter

Attn: Martha Arguello, Environmental Health Coordinator
1316 Third St. Promenade, Ste. B1, Santa Monica, CA, 90401-1325

Physicians for Social Responsibility, SF-Bay Area Chapter

Attn: Robert M. Gould, M.D., President
2288 Fulton Street, Suite 207, Berkeley, CA 94704-1449

Red Road Farm

Attn: Tammy Tolson
534 Mountain View Ave., Santa Rosa, CA 95407

Mari Russell

15589 Biltner Road, Occidental, CA 95465

Safe Air for Everyone

Attn: Marcia Cummins, President
2509 Grapevine Dr., Oxnard, CA, 93030

Sierra Club Arguello Group

Attn: Roger Zimmerman
1318 N. Broadway, #93

Sierra Club, Napa Group

Attn: John Stephens
P.O.Box 644, Napa, Ca 94559



California Legal Advocates for Wildlife

A project of the Mountain Lien Foundation

KEN G. WAGNER, ATTORNEY AT LAW
CLAW PROGRAM DIRECTOR

April 23, 2001

Ms. Susan Stratton
Real Estate Services Division
Department of General Services
State of California
1102 Q St., Suite 5100
Sacramento, CA 95814

EXHIBIT 1

Re: Comments – Notice of Preparation of an Environmental Impact Report (“EIR”) for the Proposed Pierce’s Disease Control Program (Issued Mar. 16, 2001)

Dear Ms. Stratton:

This letter provides comments on behalf of my clients – People Opposed to Insecticide Spraying on Neighborhoods – and other organizations who have signed on below, in concurrence, regarding the California Department of Food & Agriculture’s (“CDFA” or “Department”) Notice of Preparation (“NOP”) of an Environmental Impact Report (“EIR”) for CDFA’s proposed Pierce’s Disease Control Program (“PDCP”). These comments are supplemental to, and do not replace or otherwise supersede, comments made by my clients or any organizations or individuals who have signed on to this letter.

1. INTRODUCTION

My clients thank the Department for this opportunity to provide comments and input regarding CDFA’s attempts over the past year to limit the spread of the Glassy Wing Sharpshooter (“GWSS”). My clients also appreciate CDFA’s recent efforts to bring its activities into compliance with the California Environmental Quality Act (“CEQA”) by finally preparing an EIR to analyze the environmental impacts associated with CDFA’s GWSS containment efforts.

As an initial matter, it is important for the Department to understand that my clients are supportive of many aspects of CDFA’s efforts to prevent the spread of Pierce’s disease. We do not oppose CDFA’s efforts 1) in conducting surveys to determine the current distribution of GWSS; 2) in developing and disseminating empirical information about the nature, characteristics and impacts of Pierce’s disease; 3) in providing training and education on the biology and detection of Pierce’s disease and GWSS; 4) in developing statewide, coordinated programs of regulating the movement of commodities that may harbor Pierce’s disease and various GWSS life stages.

Letter #115-442-2000, att. 102 from SAW to Dr. Eric M. Rhee, Sacramento, California - Sent 3/21

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However, my clients are opposed to any final version of the PDCP that involves the use of pesticides to control GWSS, especially where such programs are to be carried out over the objection of impacted communities and individuals. My clients are alarmed by CDFA's obstinate indifference to the very real threats that the use of broad spectrum pesticides under the PDCP poses to the health and welfare of California's citizens, wildlife and habitat, and economy. We are also concerned with CDFA's flagrant violations of CEQA. 1) by repeatedly re-adopting "emergency regulations" in the absence of any conditions that meet CEQA's definition of an "emergency"; 2) in demanding that individual counties adopt forced spray programs without CEQA review under threat of withholding state funds for other, vital GWSS detection and containment efforts; and 3) by releasing exotic predatory insect species in the state with no CEQA review.

Up to, and including, CDFA's NOP, the Department's communications with the public have been little more than an intensive public relations campaign to convince the public that the "materials" that CDFA intends to "apply" in California's neighborhoods, agricultural lands and wildlife habitat are practically innocuous, and that any concern expressed over CDFA's intent to drench neighborhoods and habitat in broad spectrum poisons is unfounded. CDFA would immeasurably improve its own credibility – and the likelihood that its environmental documents and regulatory programs will survive legal challenge – by engaging in an honest effort 1) to eliminate the use of misnomers and euphemisms in its environmental documents and communications with the public, and 2) to explicitly describe, acknowledges, and account for *all* of the actual, known and reasonably foreseeable direct, indirect and cumulative impacts that spraying of pesticides will have on the public and on the environment.

We also expect that CDFA will use this EIR process to honestly and objectively analyze whether the broad health and environmental impacts of spraying pesticides across the state, in an attempt to control GWSS spread outweigh the narrow benefits to California's wine industry. The final decision made by CDFA must not be a pro forma approval of "business as usual," but rather, must be a considered decision taking into account all of the scientific data and public comments submitted in this EIR process.

2. CDFA'S DEFECTIVE NOP MUST BE REDRAFTED AND RECIRCULATED

CDFA's cavalier attitude toward CEQA's mandate of minimizing and mitigating environmental impacts, and informed decision making *before* taking actions that may harm the environment, is exemplified by the Department's Notice of Preparation. As a public relations piece for the Department, the NOP is outstanding. As an informational document that truthfully describes and discloses the potential impacts of CDFA's proposed use of insecticides in its attempts to control GWSS spread, the NOP is woefully inadequate. For the reasons listed below, CDFA will have to redraft and recirculate its NOP in order to conform with CEQA's requirements.

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2.1. FAILURE TO POST NOTICE WITH COUNTY CLERKS

A Notice of Preparation must be posted for thirty days in the office of the county clerk of the county or counties in which the project will be located.¹

A random, spot check by myself and my clients of the County Clerks' offices for the Counties of Napa and Sacramento has revealed that the PDCP EIR NOP has never been posted nor received by either of these counties. Posting of an NOP in the county clerk's office is mandatory under CEQA. This is understandable, given the fact that the county clerk's office is the one assigned location in every county where any person who is generally interested in participating in decisions that will affect their local environment may go to learn of proposed projects in their area.

This defect in notice to the public is so fundamental and far reaching that CDFA must 1) immediately send its NOP to all county clerks where the PDCP will be implemented, and 2) extend its NOP comment period for 30 days from the time of such notice to ensure that California's public has adequate notice and time to respond to CDFA's request for comments.

B16-22 (cont.) 2.2. FAILURE TO ADEQUATELY DISCLOSE ENVIRONMENTAL IMPACTS

A Notice of Preparation must include a statement of the project's probable environmental impacts.² This is required so that any agency or person who reads the NOP is able "to make a meaningful response."³

The PDCP EIR NOP fails to clearly disclose the probable environmental impacts associated with the proposed PDCP. Instead the NOP rambles on for several pages about the threat that Pierce's disease and GWSS pose to California's wine industry, discusses the "elements" of CDFA's PDCP, explains that all pesticides to be used are registered and will be used in accordance with labeling instructions, and states that CDFA will work to identify sensitive areas, provide hotlines, and otherwise conduct "public outreach."

Despite these explanations and assurances, the NOP fails to meet CEQA's fundamental disclosure requirements. Describing the probable impacts of a project in a NOP is vital because it provides responsible and trustee agencies, and the public, with a context and basis for formulating comments on the scope and content of the Draft EIR. It also allows that the lead agency has given considered thought to the possible impacts that its proposed project might have – rather than simply sitting on its haunches and waiting for other agencies and the public to demand a set of minimal, and perhaps incomplete, elements for environmental analysis.

¹ Pub. Resources Code, § 21092.3.

² CEQA Guidelines, § 15082, subd. (a)(1)(C).

³ CEQA Guidelines, § 15082, subd. (a)(1).

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CDFA must redraft its notice to responsible and trustee agencies, and the public, the probable environmental impacts that are associated with the use of broad spectrum pesticides in CDFA's attempts to control the spread of the GWSS. If CDFA is unsure what impacts it needs to disclose, we respectfully suggest that the Department look to the comments contained at Part 3 of this comment letter and in the numerous other comment letters that are sure to be submitted in response to CDFA's defective NOP.

2.3. FAILURE TO NOTIFY RESPONSIBLE AND TRUSTEE AGENCIES

If a lead agency determines that an EIR is required, the lead agency must "immediately" send a notice of preparation to each "responsible agency."⁴ The lead agency must also notify any "trustee agency" of its intent to prepare an EIR. The lead agency must also notify any federal agencies involved in approving the project.⁵ All such agencies must be notified so that they may provide comments on the scope and content of the EIR, and so that they may provide comments on the project that are relevant to their particular area of expertise.

At page 3 of its NOP, CDFA lists a series of agencies who have been notified of the Department's intent to prepare an EIR. My clients respectfully suggest that the following agencies must also be notified, and given adequate opportunity to comment on the scope of the PDCP EIR:

U.S. Environmental Protection Agency: The USEPA has permitting authority over the arsenal of pesticides that CDFA intends to analyze in the PDCP EIR. However, USEPA labels for these pesticides are based on analysis of short term exposure to a healthy adult. CDFA must notify USEPA of its proposed PDCP EIR, and request any available data and information on 1) how these pesticides will impact the most sensitive cross section of California's population (e.g., the elderly, children, and the chemically sensitive), 2) what the effects will be of using two or more of these pesticides in combination, and 3) what the long term health impacts will be of repeated, low-dose exposure to these pesticides.

National Marine Fisheries Service: NMFS is the federal agency in charge of certain ocean dwelling and anadromous fish stocks in California. CDFA must notify NMFS of its proposed PDCP EIR, and request any available data and information on 1) how these pesticides will impact ocean dwelling and anadromous species in California's rivers, lakes and coastal waters, 2) how these pesticides will impact sensitive, threatened and endangered species, 3) how these pesticides will affect the food chains that these ocean

Letter to CDFA – Comments on PDCP EIR NOP
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dwelling and anadromous species depend upon, and 4) how these pesticides will cumulatively interact with other known activities resulting in impacts to resources under NMFS' jurisdiction. CDFA's monitoring reports of spraying activities under their existing emergency regulations provides conclusive evidence that pesticides are drifting into the state's waters. CDFA must consult with NMFS on obtaining take permits for endangered species, including steelhead trout and red legged frogs, that will be harmed and harassed by CDFA's pesticide use.

2.4. FAILURE TO ADEQUATELY DESCRIBE THE PROJECT

A. Notice of Preparation must provide a description of the project, and must specify the location of the project on an attached map.⁷ A "Project Description" under CEQA must minimally include:

- (a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
- (b) A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR, and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.
- (c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.
- (d) A statement briefly describing the intended uses of the EIR.
- (1) This statement shall include, to the extent that the information is known to the Lead Agency,
 - (A) A list of the agencies that are expected to use the EIR in their decision-making, and
 - (B) A list of permits and other approvals required to implement the project.
- (C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.

⁴ CEQA Guidelines, § 15082, subd. (a). A "responsible agency" is an agency that has permitting authority or approval power over some aspect of the overall project. (See Pub. Resources Code § 21069; CEQA Guidelines § 15381.)

⁵ CEQA Guidelines, § 15082, subd. (a). A "trustee agency" is any state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California. (See CEQA Guidelines, § 15386.)

⁶ CEQA Guidelines, § 15082, subd. (a)(1)(A)-(B).

⁷ CEQA Guidelines, § 15082, subd. (a)(1)(A)-(B).

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(2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.⁶

The PDCP EIR NOP fails to meet these standards, and thus has no adequate "Project Description." As an initial matter, The NOP contains no maps.⁹

Second, the NOP does not clearly state the objectives to be sought by the program.¹⁰ Is the ultimate objective of the PDCP to eradicate Pierce's disease? To develop a "cure" for the disease? To kill every GWSS in the state? All of the above? For example, if the objective of the program is to eradicate GWSS in California, a program of intensive pest control is a likely part of the final alternative. On the other hand, if finding a cure for Pierce's disease and preventing destruction of vineyards by the disease is the goal, programs involving examination of vine stocks and exclusion of GWSS from vineyards (or making the vines otherwise unattractive to GWSS) would be a perfectly acceptable alternative. While it is helpful to know the processes that CDFA intends to employ in executing the PDCP, it is important to clearly state the ultimate objective of the program so that other agencies and the public can make meaningful comments and suggestions on how to best achieve the desired result.

The NOP also fails to state the intended uses of the PDCP EIR.¹¹ In particular, it would be very helpful to other agencies and the public to know whether this is a Programmatic EIR for CDFA's overall Pierce's Disease Control Program, or whether this is a Project EIR that is designed to analyze the various counties' existing and proposed GWSS workplans, or both. Comments on a Programmatic EIR would tend to address the overarching implications of the various activities that CDFA is proposing as a framework for addressing Pierce's disease on a statewide basis. On the other hand, if this EIR is to analyze existing county workplans, comments would tend to focus on the local, site specific impacts associated with implementation of the local agricultural commission's monitoring and eradication programs.

Because the PDCP EIR NOP fails to meet these basic, mandatory requirements for an adequate Project Description, the NOP must be revised and recirculated for consideration by responsible and trustee agencies, and by the public.

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3. SUBSTANTIVE & COMMENTS ON THE CONTENT OF CDFA'S DRAFT EIR

With regard to the Notice of Preparation's request for input on the scope and substance of the PDCP EIR, my clients recommend and suggest the following:

- Please analyze, and adopt, a preferred alternative that eliminates all pesticide spraying. As a second choice, please analyze and adopt an alternative that eliminates all forced pesticide spraying.
- Please eliminate the use of misnomers and euphemisms in CDFA's environmental documents and communications to the public: "Materials" are "insecticides" or "pesticides"; "regulatory treatment" means to "spray," "drench" or "fumigate"; etc.
- Please explain whether this EIR is 1) a Program EIR, 2) a Project EIR, or 3) both. To the extent that this is a Program EIR, please explain the process by which individual projects (i.e., county workplans) will receive additional environmental review. To the extent that this is a Project EIR, please adequately describe the exact location(s) to be affected and the specific project(s) to be undertaken.
- Please analyze how anadromous fish, amphibians, and other aquatic life will be affected by spraying and runoff.
- Please analyze how California's endemic plant species and agricultural operations will be impacted by non-selective eradication of all pollinators in a given region, in the event that broad spectrum poisons are used for GWSS "control."
- Please analyze, in context, the economic, social and environmental impacts of the supposed threat that GWSS pose to California's wine industry, as compared to the economic, social and environmental impacts associated with massive blight of local agriculture and wildlife habitat due to the loss of pollinators and other beneficial insects as a result of the use of broad spectrum poisons.
- Please analyze the environmental impacts, especially on non-target insects, associated with CDFA's release of exotic predatory insects to control GWSS spread.
- Please analyze when and how CDFA will obtain necessary federal and state take permits for forced spraying activities that will impact all of California's sensitive, threatened and endangered animal species.
- Please analyze when and how CDFA will obtain necessary take permits or otherwise prevent significant impacts to sensitive, threatened and endangered plants whose pollinators will be obliterated by broad spectrum pesticides.
- Please analyze, in a county specific context, each already approved county GWSS workplan. County Agricultural Commissioners have repeatedly assured their Boards of Supervisors and the public that CDFA will complete CEQA review of each county's individual GWSS workplan. Please follow through on this promise.

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⁶ CEQA Guidelines, § 15124.

⁹ CEQA Guidelines, § 15124, subd. (a).

¹⁰ CEQA Guidelines, § 15124, subd. (b).

¹¹ CEQA Guideline, § 15124, subd. (d).

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- Please include a process for expiration, update and renewal of county GWSS workplans.
- Please include explicit provisions for public hearings and input in future county review and approvals of GWSS workplans, and in revisions and updates to those plans.
- Please analyze the long-term, cumulative effects of each pesticide that CDFA intends to use in implementing the PDCP, including long term effects on humans, and upland and aquatic wildlife species and their habitats.
- Please analyze economic, social and environmental impacts on California's nursery industry. The present PDCP does not provide financial or other aid for nursery owners who will be impacted.
- Please clearly list the active and "inert" ingredients in every pesticide that CDFA intends to use under the PDCP. For each pesticide, please clearly and explicitly list all impacts, side effects, and warnings to the public.

- Please do not assume that following label instructions on poisons is equivalent to finding that the poison has no significant impacts on people or the environment.
- Please analyze impacts on the most sensitive segment of the population. EPA's analysis and labeling of pesticides is based on the "average" healthy, adult male. Doses of poisons that may not be "significant" to the "average adult" may result in severe illness and death for more sensitive persons.

- Please explain the measures that will be taken to ensure that pregnant and nursing mothers, infants and children, the elderly, cancer survivors, people with chemical intolerances and conditions such as MS, lupus, asthma, HIV/AIDS, chronic fatigue syndrome, fibromyalgia and other chronic illnesses will be protected from direct and indirect exposure to pesticides. Please analyze how the PDCP may conflict with the Americans with Disabilities Act ("ADA") in protecting these at-risk groups.

- Please include provisions in the PDCP that make all scientific studies and testing available to the public in a timely fashion (i.e., immediately upon completion of the study).

- Please include provisions in the PDCP that make all baseline empirical data available in a timely fashion (i.e., upon gathering and reconciliation) for independent public review and analysis.
- Please include provisions in the PDCP that make reports, results, comments and scientific summaries easily accessible through CDFA's website, and through other public information sources and channels.

B16-31 (cont.)	<ul style="list-style-type: none"> ▪ Please analyze an option that includes no-spray buffer zones for hospitals, schools, parks, daycare centers, and other places where known, chemically sensitive individuals are located. ▪ Please analyze an option that mandates no-spray setbacks in riparian zones. 	B16-38
B16-32	<ul style="list-style-type: none"> ▪ Please analyze any suggested pesticide spraying program's impacts on communities located at the edge of, or interspersed with, agricultural lands. Please analyze an option that mandates no-spray setbacks where communities are adjacent to or interspersed with agricultural lands. 	B16-40
B16-33	<ul style="list-style-type: none"> ▪ Please fully develop and discuss alternatives to spraying pesticides to contain GWSS spread. ▪ Please analyze whether CDFA's efforts during the past year have managed to eradicate GWSS where they have been found. If not, please analyze whether the environmental risks associated with use of pesticides are justified at all if GWSS will retrain and continue to spread. 	B16-41
B16-34	<ul style="list-style-type: none"> ▪ Please analyze whether CDFA's no project alternative. The no project alternative does not mean that all vineyards must wither and die. Nor does it mean that all vineyards will be paved over with subdivisions and parking lots. It simply means that vineyarders will have to take responsibility for GWSS control in their own vineyard (and ensure that their activities do not create public or private nuisances to their neighbors), rather than expecting taxpayers to fund expensive and unpopular forced spraying campaigns in their own communities located miles away. 	B16-42
B16-35	<ul style="list-style-type: none"> ▪ Please analyze and discuss a no project alternative. The no project alternative does not mean that all vineyards must wither and die. Nor does it mean that all vineyards will be paved over with subdivisions and parking lots. It simply means that vineyarders will have to take responsibility for GWSS control in their own vineyard (and ensure that their activities do not create public or private nuisances to their neighbors), rather than expecting taxpayers to fund expensive and unpopular forced spraying campaigns in their own communities located miles away. 	B16-43
B16-36	<ul style="list-style-type: none"> ▪ Please analyze and explain why some County Agricultural Commissioners (e.g., Santa Cruz County) have been allowed to draft and forward for county approval fully funded GWSS workplans that explicitly exclude forced spraying, while other County Agricultural Commissioners (e.g., Sonoma and Napa) have insisted that CDFA will deny all funding for GWSS survey and exclusion if the county workplan does not contain a forced spray component. If CDFA's reply is that vineyard prevalence in some counties reflects a greater need for GWSS control than in other counties, please explain how a denial of all funding for GWSS detection and exclusion supports these counties' needs. If CDFA has not taken the position that county GWSS workplans must include a mandatory spray program, please explain why agricultural commissioners in certain counties (e.g., Sonoma and Napa) have asserted this position on behalf of CDFA. 	B16-44
B16-37	<ul style="list-style-type: none"> ▪ Please analyze the economic, social and environmental impacts associated with loss of tourism as people avoid geographical areas where spray programs have been adopted and/or implemented, and as other natural resources such as wildlife and habitat are decimated as a byproduct of the use of poisons. ▪ Please describe and analyze the economic, social and environmental impacts of the use of pesticides on and around organic farms. 	B16-45
		B16-46

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- Please analyze the short term "pulse" impacts associated with application of broad spectrum pesticides to limit GWSS spread. Even where poisons do not remain in the environment for extended periods, the short term effects may cause massive wipe outs of target (GWSS) and non-target insects alike.
- Please analyze the impacts associated with use of two or more "approved" insecticides in the same area, whether intentional or unintentional.
- Please analyze cumulative impacts of pesticide use in combination with other chemicals that may be present in the environment due to past or present activities on the land that are unrelated to GWSS control.
- Please disclose and analyze the environmental impacts associated with all "inert" ingredients in the various formulations of "approved" pesticides under the PDCP.
- Please include copies of all notices, letters, flyers and other documents that will be served on property owners where any spraying is proposed to occur. CDFA has implied in its NOP that it will use non-threatening, information dissemination techniques such as telephone hotlines, notices with contact numbers, and multilingual translations. However, interviews with local residents in areas that have been sprayed reveal an alarming trend of intimidation by local agricultural commissions, inferences that CDFA will send in stormtroopers if the local commission is not permitted to enter and spray, and threats of search and seizure warrants if property owners do not otherwise acquiesce to the local commission's "friendly" requests.
- Please analyze a preferred alternative requiring CDFA's notices and other materials to be printed in multiple languages –including Spanish, English and other primary languages of residents in potentially affected communities. Translators should be provided for all neighborhoods. Translators and multi-lingual, written information must clearly advise owners and residents of their right to request alternative approaches to the use of pesticides on and near their properties.
- Please analyze a preferred option that requires the use of physical barriers (e.g., netting) in vineyards rather than forced spraying.
- Please analyze and examine the impacts that the proposed introduction of genetically modified grape vines poses to California's wildlife and habitats, including impacts to beneficial insects and wild grape vines.

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|---------------|--|
| B16-47 | ■ Please analyze how any proposed spray program or chemicals to be used may combine with microclimatic conditions (e.g., fog) to amplify, extend or otherwise exacerbate environmental impacts. |
| B16-48 | ■ Please include provisions for a citizen advisory board to review CDFA and local agricultural commissions' GWSS control activities – including preparation and dissemination of notices of intent to spray. |
| B16-49 | ■ Please include language in the PDCP which allows citizen enforcement of agreements reached with local agricultural commissions or CDFA regarding site specific GWSS control activities and efforts. |
| B16-50 | 4. CONCLUSION

As stated at the beginning of this letter, my clients and the undersigned persons and organizations appreciate CDFA's efforts to prepare an EIR for its Pierce's Disease Control Program. We support many of the aspects of CDFA's past and present efforts to learn more about the biology of GWSS and non-toxic methods of limiting the spread of Pierce's disease.

My clients urge CDFA to develop and adopt a preferred alternative in its draft EIR which avoids altogether the use of poisons and insecticides in California's neighborhoods and habitats. At the very least, we insist that CDFA develop a preferred alternative that avoids and fully mitigates the impacts that pesticide spraying will have on the most sensitive segments of California's population and wildlife, and which ensures that no community or individual will be subjected to direct or indirect impacts associated with forced exposure to poisons and insecticides against their will. |
| B16-51 | Sincerely, |
| B16-52 | Keith G. Wagner, Attorney at Law
Program Director, California Legal Advocates for Wildlife
A project of the Mountain Lion Foundation |
| B16-53 | The following organizations concur in these comments: |
| B16-54 | Planning and Conservation League
PCL Foundation
926 I Street #612
Sacramento, CA 95814
Attn: Gerald H. Merel, Ph.D., Executive Director |
| B16-55 | |
| B16-56 | |
| B16-57 | |

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Pesticide Action Network North America

49 Powell St., Suite 500

San Francisco, CA 94102

Attn: Jessica Hamburger, Project Coordinator

Pesticide Watch

3436 Mission Street

San Francisco, CA 94110

Attn: Melanie Undem, Executive Director

Sierra Club, Redwood Chapter

P.O. Box 466

Santa Rosa, CA 95402

Attn: Lucy Kenyon

Sierra Club, Loma Prieta Chapter

Pesticide Task Force

184 Lockhart Lane

Los Altos, CA 94022

Attn: Ruth Treuschler

Sierra Club Arguello Group

2900 Rucker Rd.

Lompoc, CA 93436-2401

Attn: Roger Zimmerman

Mountain Lion Foundation

P.O. Box 1896

Sacramento, CA 95812

Attn: Lynn Sadler, Executive Director

Albany Coalition for Environmental Health

1200 Neilson St.

Berkeley, Ca. 94706

Attn: Dorothy Dorenz

El Comité Para el Bienestar de Eastlawn

P. O. Box 10725

Eastlawn, CA 92219

Attn: Teresa DeAnda

Center for Environmental Health

528 61st St. Suite A

Oakland, CA 94609

Attn: Michael Green

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Mendocino Cancer Resource Center

P.O. Box 59

Mendocino, CA 95460

Attn: Sara O'Donnell

City Farms

P.O. Box 19505

Sacramento, CA 95819

Attn: Keith Lenz

Davenport Citizens' Association

250 Cortini Way

Bonny Doon, CA 95060

Attn: Susan Shane

Del Amo Action Committee

19401 So. Vermont, Suite J102A

Torrance, CA 90502

Attn: Cynthia Babich, Director

Organic Consumers Association

6101 Cliff Estate Rd.

Little Marais, MN 55614

Attn: Ronnie Cummins, National Director

Organic Consumers Association

1202 Curtis St.

Berkeley, CA 94706

Attn: Simon Harris, West Coast Field Organizer

Kelli Nelson

P O Box 1348

Arroyo Grande, CA 93421

LETTER B16: LOWELL DOWNEY, PEOPLE OPPOSED TO INSECTICIDE SPRAYING ON NEIGHBORHOODS

<p>Ms. Susan Stratton - Comments on PDCP DEIR May 17, 2002 Page 23</p> <p>Sierra Club, Sonoma Group Attn: Lucy Kenyon, Executive Committee Member Box 466, Santa Rosa 95402 544-7651</p> <p>Sonoma Valley Voice Newsletter Attn: Will Shobrun, Publisher PO Box 907, Boyes Hot Springs, 95416</p> <p>Toxic Action Coalition Monterey Bay Attn: Barbara Laurence, Acting Director P.O. Box 8467; Santa Cruz, CA 95061</p> <p>Treasanfield Consulting Attn: Tara Treasenfield 1165 Castle Road; Sonoma, CA 95476</p> <p>WaterKeepers Northern California Attn: Jonathan Kaplan, Program Director & San Francisco BayKeeper Presidio Building 1004; San Francisco, CA 94129</p> <p>Women's Cancer Resource Center Attn: Catherine Porter, Legal Services and Public Policy Coordinator 3023 Shattuck Avenue, Berkeley, CA, 94705</p> <p>Lake County Coalition for a Healthy Environment and Life Attn: Jim Kovacs • Post Office Box 937 ~ Upper Lake, CA 95485</p> <p>Robin Bayer, President: Magic, Inc. Address: Box 15894, Stanford, CA 94309 Attn: David Schrom</p>	<p>B16-1 This is an introduction to the comment letter. The commenter provides general comments on the Draft EIR. Each issue is described in more detail in the rest of the letter. Responses to specific comments on the Draft EIR are addressed in responses to comments B16-2 through B16-61. Also see Master Responses 7 and 11.</p>	<p>B16-2 See Master Response 1.</p>	<p>B16-3 See Master Response 1 regarding the adequacy of baseline conditions provided in the Draft EIR. The commenter's specific comments regarding the Draft EIR findings of less than significant impact are addressed in responses to comments B16-4 through B16-7.</p>	<p>B16-4 See Master Response 2. Studies and evaluations required by the pesticide regulatory agencies before a pesticide product is registered are not influenced by the PDCP. As a rule, laboratory studies are conducted with animal models that reflect potential human responses rather than testing on humans. These procedures have proven reliable the vast majority of the time, and are the foundation of evaluation before human exposure is permitted. Post registration monitoring provides additional information as use experience is gained. Uncertainty factors are added to exposure limits to provide a gap or margin of exposure that will be less than demonstrated toxic threshold amounts.</p>	<p>B16-5 See Master Response 2.</p>	<p>B16-6 See Master Responses 1 and 7. The proposed PDCP represents an integrated approach for dealing with a serious pest situation,</p>
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incorporating elements of containment, survey, inspection, treatment, outreach, research, and biological control.

Potential effects of treatments on citrus Integrated Pest Management (IPM) programs are discussed on pages 5.1-7 and 7-5 of the Draft EIR. Program cooperators are aware of the concern about citrus IPM programs, and would work with concerned growers to try to find methods which are both effective for controlling the glassy-winged sharpshooter and compatible with current citrus IPM programs. The arrival of the glassy-winged sharpshooter, itself, poses a threat to disrupting citrus IPM programs, because its feeding wounds the plant, robs it of xylem fluid, and presents the very real threat of vectoring serious plant diseases. As such, citrus IPM programs will likely need adjusting to deal with this new pest situation.

The use of pesticides in an IPM program is not static, but constantly evolving as new materials become available, new non-pesticidal control tactics are developed, and new ways to integrate the two are implemented. The temporary reduction in the biological control of cottony cushion scale after the application of several new pesticides is not a permanent event nor is it unique to the pesticides used against glassy-winged sharpshooter. Such events have been seen before and will likely be seen again as new materials or new use patterns of old materials are implemented.

B16-7 See Master Responses 7, 10, and 11. The PDCP rapid response component is designed to minimize the size of areas to be treated by providing for quick delimitation and treatment of discovered infestations. The commenter overstates the degree of treatment. In addition, as shown on Figure 4-3, organic options would be considered for treating organic crops. Conversion of organic farms to non-organic uses is not a likely outcome. Even if treatment of organic crops were

necessary, the greatest potential consequence would be the inability to certify the immediate crop as organic. Later crops would be able to be grown and certified organic, which is why the Draft EIR indicates that the economic effect would be temporary.

B16-8 See Master Responses 1 and 11.

B16-9 See Master Response 7.

B16-10 1) See Master Response 7.

2) Alternative C, described in Chapter 6 of the Draft EIR, considers how alternative control methods might be combined with conventional pesticides to minimize the PDCP's potential impacts. See Master Response 7.

3) See Master Responses 1 and 7. Alternative C would not meet the goal of the program.

B16-11 See Master Response 7. Kaolin clay is a repellent that reduces the movement of glassy-winged sharpshooter onto the treated crop (see Draft EIR page 8-9). Recent data show that such treatments can reduce glassy-winged sharpshooter numbers in the treated area, but there are no data showing the glassy-winged sharpshooter will refuse to cross the barrier and thus could be contained. Because the clay repels glassy-winged sharpshooters but does not kill it, the glassy-winged sharpshooter will simply go elsewhere (as noted on page 8-9 of the Draft EIR).

B16-12 IPM programs use a variety of tactics to reduce pest numbers below economically damaging levels. In the opening paragraph the Texas A&M University report states "The single greatest threat to the

production of susceptible grape cultivars in Texas is Pierce's disease. Since 1990, it has caused millions of dollars in losses to the state's wine industry and has moved into areas previously unaffected by Pierce's disease. The problem has escalated in the past five years, in part because of a series of warm winters that accelerated the rate of spread and winter survival of the disease." Nowhere in the Texas A&M University Report does it state that following the recommendations therein will eliminate either the vectors or the Pierce's disease pathogen from the vineyards. Discussions with James Kamas of Texas A&M University, an author of the report, confirmed the statements in the report. *Vitis vinifera* grapes cannot be grown in much of Texas because of the presence of Pierce's disease. The problem was made worse by mild winters. There is no cure for Pierce's disease, and the management practices recommended by the university slow, but do not prevent, the spread of the disease within the vineyards. The reason is noted in the Draft EIR on page 8-12: a single *Xylella fastidiosa* infected glassy-winged sharpshooter can infect multiple vines, and no IPM program is geared to the total elimination of the target organism. All the experts with whom CDFA talked (Alexander Purcell, University of California at Berkeley; James Kamas of Texas A&M University, Russell Mizell of the University of Florida) agree that the long-term solution is to find a way to deal with the disease, while the short-term solution is to keep vector populations to a minimum.

project's objectives, the EIR need not consider the alternative in further detail. Nonetheless, it is important to present the considerations leading up to a determination of infeasibility to disclose the reasoning to decision makers and the public.

- B16-14 See Master Response 6. The commenter's statement regarding the Draft EIR's consideration of the potential impacts of the proposed PDCP, or mitigation measures or alternatives to reduce or avoid those impacts, is addressed in the Master Responses and response to comments B16-2 through B16-13. As stated in the Master Responses, the potential environmental impacts of the proposed PDCP have been properly analyzed in the Draft EIR and this "Comments, Responses, and Revisions" document, and maintains that the cumulative impact analysis in the EIR is adequate and meets the intent of CEQA.
- B16-15 Chapter 7 of the Draft EIR includes an analysis of cumulative effects of implementation of the PDCP in combination with other programs and projects, including the past, present, and anticipated future use of pesticides by other state and local jurisdictions and private growers and homeowners. The proposed PDCP has five central elements: public outreach, statewide survey, contain the spread, rapid response, and research. As stated on page 8-2 of the Draft EIR, several of the PDCP components would not have the potential to cause adverse environmental effects. These activities include public outreach, statewide survey, and research efforts. These activities typically would not cause changes to the physical environment. For this reason, the analysis in the Draft EIR focuses on the contain the spread and rapid response elements of the PDCP which involve treatment activities, including the use of pesticides. As such, there is a reasonable relationship between the potential impacts of the proposed PDCP and the past, present, and future use of pesticides by other parties.
- B16-13 See Master Response 7 and response to comment B16-10. Alternatives considered in any EIR under CEQA should include those suggested by the public during early scoping and review of the Draft EIR that could potentially reduce environmental effects. Therefore, in keeping with CEQA's direction to provide good faith disclosure of environmental issues, the Draft EIR explores both the comparative consequences and the potential feasibility of suggested alternatives. When the analysis determines that an alternative would not feasibly meet most of the

The commenter suggests that other types of non-pesticide projects could result in cumulative impacts under the PDCP. The commenter provides two examples: 1) “the decertification of organic farms coupled with demand for housing or industrial development could result in significant conversions of agricultural land to other uses” and 2) “pesticide use impacting streams, combined with siltation caused by logging operations, road maintenance, and similar projects could have cumulative impacts on biological resources.”

CEQA requires that the EIR examine related projects. There is not a reasonable relationship between the proposed PDCP and demand for housing or industrial development or logging operations or road maintenance, as suggested by the commenter. CDFA maintains that the selection of other past, present, and future related projects involving the use of pesticides for cumulative impact analysis is appropriate and adequate, because the environmental issue in question is whether pesticide use effects would accumulate.

As described in response to comment B16-7, conversion of organic farms to non-organic uses as a result of the PDCP is not considered to be likely, and potential economic effects related to the use of conventional pesticides on organic crops would be temporary. As stated on page 5.1-11 of the Draft EIR, the PDCP would not directly affect the potential conversion of agricultural land to non-agricultural use. Rather, the PDCP would benefit the agricultural industry by supporting the economic viability of the state’s grape industry and perhaps other commodity groups. As a result, the program could prevent the indirect conversion of farmland to non-agricultural use. The incremental effect of the PDCP on conversion of agriculture is not cumulatively considerable.

Similarly, the PDCP does not involve application to aquatic environments. Product label restrictions and application measures include care to minimize potential runoff into water bodies, to avoid potential impacts to water quality. As described in Chapter 7 of the Draft EIR, because all pesticide label requirements would be followed, potential runoff from agricultural production areas where other pesticides are commonly used would not be considerably altered by PDCP pesticide uses. Under the proposed PDCP, CDPR would monitor pesticide treatments in non-agricultural areas to ensure that water quality standards are not violated.

The projects suggested by the commenter for cumulative analysis do not have a reasonable relationship to the PDCP. The PDCP is a statewide effort to control Pierce’s disease and the glassy-winged sharpshooter. The commenter suggests that any project that could potentially cause an environmental impact to resources in the state should be considered during the cumulative impact analysis for the PDCP. Under this approach, the EIR would have to look at the entire universe of potential changes to the environment in conjunction with the project. This would be impossible to accomplish.

PDCP activities could occur in all areas of the state where Pierce’s disease and/or the glassy-winged sharpshooter could cause damage. It cannot be predicted how many glassy-winged sharpshooter infestations will be found in the future, how many areas would be treated with pesticides under the PDCP, or the treatment boundaries of each area. The Draft EIR describes specific environmental characteristics throughout the state and describes the safeguards to be employed when specific characteristics are encountered within a treatment area.

Through the analysis of cumulative impacts, the Draft EIR evaluates projects whose incremental effect on environmental resources would

be similar to the proposed PDCP, and thus could potentially result in cumulative impact. The Draft EIR found that considering the limited application area and the temporary nature of potential effects, the PDCP would not result in a considerable contribution to cumulative effects. See Master Response 6.

The requirement to analyze a project's cumulative impacts is set forth in CEQA Guidelines Section 15130. One of the leading cases discussing the agency's obligation to consider cumulative impacts is *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238. In that case, the Court of Appeal described the agency's obligation to analyze cumulative impacts as follows:

The EIR must discuss cumulative impacts. (State CEQA Guidelines, Section 15130.) That is, the EIR must discuss the impacts of the project over time in conjunction with past, present and reasonably foreseeable future projects. (Public Resources Code, Section 21083; State CEQA Guidelines, Section 15130.) Guidelines Section 15130, subdivision (b) provides that '[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness.' Thus, an EIR which completely ignores cumulative impacts of the project is inadequate. (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 430-431.) But a good faith and reasonable disclosure of such impacts is sufficient. (Id., at p. 432; and see *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749 [absence of

separate detailed discussion of air quality impacts of project is

not reversible error].) (70 Cal.App.4th at p. 245.)

In this case, the PDCP Draft EIR does not ignore cumulative impacts. Chapter 7.0 provides a discussion of pesticide use in California, and analyzes the extent to which the program may contribute to cumulative impacts associated with such use.

The commenter appears to take the position that the scope of the cumulative impact analysis should be expanded to include other projects which the commenter regards as reasonably foreseeable. The commenter is correct that, as a general matter, conversion of agricultural land to urban uses does occur, and logging and related activities do contribute to adverse impacts to water quality. CDFA does not believe, however, that an analysis of these impacts is practical or reasonable. Under the commenter's approach, CDFA should prepare a statewide analysis of impacts associated with the conversion of agricultural land, and of water quality impacts associated with logging and road maintenance among other activities, even though the PDCP involves none of those activities, and there is no evidence the PDCP would contribute to cumulative impacts associated with those activities. CDFA therefore declines to perform the analysis proposed by the commenter.

See Master Responses 1 and 6.

B16-16 See Master Responses 1, 2 and 6. As noted in the Draft EIR, no cumulative impacts are identified based on the nature of pesticide applications for the PDCP, which includes infrequent applications, environmental dissipation and degradation of the chemicals, and avoidance of habitat of concern, e.g., aquatic systems or threatened or endangered species habitat.

B16-18 Preliminary review of environmental issues determined that there would be no significant effects related to attainment of air quality standards resulting from implementation of the PDCP. Consequently, detailed evaluation was not presented in the Draft EIR. In response to the questions raised in the comment, environmental review information is elaborated below. Also, see Master Response 1 regarding appropriate baseline conditions for a programmatic EIR.

As stated on page 1-5 of the Draft EIR, PDCP construction-generated and automobile-related emissions would be minor and would not cause a substantial increase in air pollution in the air basins where they would occur. Similarly, the generation of emissions by the PDCP's use of pesticides and their contribution to existing non-attainment status in air basins across the state would also be minor.

Pesticides have been identified as a contributor of reactive organic compounds (ROG) (also referred to as volatile organic compounds, or VOCs), which are precursors to ozone formation. Pesticides and fertilizers are estimated to contribute less than 3% of total statewide VOC emissions¹. As noted in the Draft EIR, it is difficult to predict the number of areas that may be treated with pesticides in the proposed PDCP, but it is reasonable to expect that treatments would occur for a couple of days in response to one infestation episode at a time in separated locations.

Table 4-1 (below) provides a comparison of the emergency program's use of carbaryl, imidacloprid, and cyfluthrin (the active ingredients in pesticides used in non-agricultural areas in 2000), and the total reported use of those pesticide active ingredients in California in 2000. The emergency program accounted for 0.4% or less of total reported statewide use of these materials in 2000. It should be noted that reported pesticide

applications cover only a portion of the pesticides sold and applied in California each year. Typically, about two-thirds of the pesticide active ingredients sold in a given year are not subject to use reporting. Consequently, the potential contribution of the program to organic emissions, when related to total pesticide use, is minuscule at most, and arguably unmeasurable with reasonable precision.

Table 4-1: Pounds of Pesticide Active Ingredients Used in the Emergency Program and the State of California in 2000^a.

Active Ingredient	Amount of Pesticide Active Ingredient Used		
	Emergency PDCP (non-agricultural areas only), 2000 ^b	Total Reported Used in California, 2000 ^c	Percent of Use by Emergency Program
Carbaryl	1,507 lbs.	364,968 lbs.	0.4 %
Imidacloprid	289 lbs.	101,410 lbs.	0.3 %
Cyfluthrin	27 lbs.	27,083 lbs.	0.1 %

- a. Emergency program pesticide use data is available for the years 2000, 2001, and 2002. The year 2000 data was chosen for this analysis because more pesticides were used in the emergency program in 2000 than in other years. In addition, 2000 data was used in the cumulative analysis in Chapter 7 of the Draft EIR in part because statewide pesticide use data, which was used for comparison, was only available for the year 2000 at the time the Draft EIR was printed.

b. Source: Appendix U of the Draft EIR.

c. Source: CDPR Summary of Pesticide Use Report Data 2000.

For comparison, Table 4-2 provides the total reported use of pesticide active ingredients in 2000 in the San Joaquin Valley Air Basin (Fresno, Kern, Madera, San Joaquin, and Tulare Counties) and the emergency PDCP's use of pesticides in the San Joaquin Valley Air Basin. The San Joaquin Valley Air Basin is used as an example because, as stated in Chapter 7 of the Draft EIR, the greatest pesticide use reported in the state in 2000 was in California's San Joaquin Valley. In addition, 91% the emergency PDCP's non-agricultural use of pesticides in 2000

occurred in the San Joaquin Valley, specifically in Fresno and Tulare Counties.

The total pounds of active ingredients used in the San Joaquin Valley Air Basin in non-agricultural areas during the emergency program in 2000 represent less than two thousandths of a percent of the total reported use of pesticides in the San Joaquin Valley Air Basin². This again demonstrates that the potential contribution of ROG emissions from PDCP pesticide use compared to total use in the San Joaquin Valley would be minuscule to the point that it might not be measurable with reasonable precision.

Table 4-3: Total Estimated ROG Emissions from Pesticide Products Used in the Emergency Program in the San Joaquin Valley, 2000.

Pesticide Product (Active ingredient in parentheses)	Amount of Pesticide Used in the Emergency PDCP (non-agricultural areas only), in the San Joaquin Valley, 2000 ^a	Product Used in the Emergency PDCP (non-agricultural areas only), in the San Joaquin Valley, 2000 ^a	ROG Emissions Potential Factor ^b	Total Emissions from Emergency PDCP (non- agricultural areas only), 2000
Sevin '7'® (Carbaryl)	3,512.27 lbs. ^c	4.8 % ^d	168.59 lbs. = 0.084 tons ^e	
Merit ®75 WSP (Imidacloprid)	367.75 lbs.	0.59 %	2.17 lbs. = 0.001 tons	
Merit ®75 WP (Imidacloprid)	-	1.85 % ^d	0	
Tempo 20 WP ® (Cyfluthrin)	-	2.79 %	0	
Total	3,880.02 lbs.	--	0.085 tons	

^a Source: Appendix U in the Draft EIR

^b Source: Randy Segawa, CDPR, 2000. The ROG Emissions Potential Factor applies to the pesticide product. Different pesticide products using the same active ingredient may have a different ROG Emissions Potential Factor.

^c 1 gallon of Sevin liquid concentrate = 9.18 lbs. therefore 382.6 gal. x 9.18 lbs. = 3,512.27 lbs.

^d Default value assigned by CDPR

^e 1 ton = 2000 lbs.

Table 4-2: Pounds of Pesticide Active Ingredients Used in the San Joaquin Valley by the Emergency PDCP and From Other Reported Uses.

Amount of Pesticide Active Ingredient Used	Percent of Use by Emergency Program
Emergency PDCP (non-agricultural areas only), in the San Joaquin Valley, 2000 1,664 lbs. ^a	Total Reported Use in the San Joaquin Valley in 2000. 94,617,778 lbs. ^b 0.0018%

^a Source: Appendix U of the Draft EIR.

^b Source: CDPR Summary of Pesticide Use Report Data 2000.

Similarly, as shown in Table 4-4, if the total ROG emissions from all pesticides used in the emergency PDCP in non-agricultural areas statewide (all counties, including those outside of the San Joaquin Valley) were considered together in one air basin, the total ROG emissions generated would be 0.094 tons, which also falls below the San Joaquin Valley Air Quality District's thresholds for significance.

As shown in Table 4-3, the total ROG emissions from pesticides used in the emergency PDCP in non-agricultural areas in the San Joaquin Valley fall below the threshold of 10 tons per year used by the San Joaquin Valley Air Quality District in recommending a detailed air quality analysis be conducted for a project.

Table 4-4: Total Estimated ROG Emissions from Pesticide Products Used in the Emergency Program, 2000.

Pesticide Product (Active ingredient in parentheses)	Amount of Pesticide Products Used in the Emergency PDCP (non-agricultural areas only), 2000 ^a	ROG Emissions Factor ^b	Total Emissions from Emergency PDCP (non -agricultural areas only), 2000
Sevin 7® (Carbaryl)	3,797.67 lbs. ^c	4.8 % ^d	182.29 lbs. = 0.091 tons ^e
Merit ®75 WSP (Imidacloprid)	380.95 lbs.	0.59 %	2.25 lbs = 0.001 tons
Merit ®75 WP (Imidacloprid)	3.84 lbs.	1.85 % ^d	0.07 lbs.= 0.00004 tons
Tempo 20 WP® (Cyfluthrin)	136.55 lbs.	2.79 %	3.81 lbs.= 0.002 tons
Total	4,319.01 lbs.	--	0.094 tons

^a Source: Appendix U in the Draft EIR

^b Source: Randy Segawa, CDPR, 2002

^c 1 gallon of Sevin liquid concentrate = 9.18 lbs. therefore 413.69 gal. x 9.18 lbs. = 3,797.67 lbs.

^d Default value assigned by CDPR

^e 1 ton = 2000 lbs.

actual pesticide VOC emission data to guide changes in pest management practices to achieve VOC reductions while recognizing the need for pest management. The plan will account for pesticide VOC emission reductions through lower VOC Emission Factors (e.g., reformulation of pesticide products, alternative technologies that reduce emissions) and changes in pesticide use practices (e.g., increased adoption of integrated pest management techniques, use of lower VOC-containing products).

CDPR is in the process of tracking emission inventories on a county-by-county basis within some regulated air districts to determine if the county meets pesticide VOC reduction targets. Regulatory measures, if necessary, would automatically go into effect if established pesticide VOC reduction target levels are not achieved. Pesticides that result in the highest pesticide VOC emissions in the air district or county would be targeted for restriction.

Because pesticide application has been identified as a source of VOCs in many California air districts, CDPR has developed a plan to monitor and reduce the potential cumulative effects of pesticide emissions by reducing certain pesticide sources of VOCs. The plan was developed in cooperation with the California Air Resources Board and as part of the California State Implementation Plan (SIP) for achieving and maintaining federal ambient air quality standards. CDPR's plan is designed to reduce 1990 baseline VOC emissions from agricultural and commercial structural pesticide applications by 20 percent by the year 2005 in most non-attainment areas.³

The plan will reduce pesticide VOC emissions in a way that minimizes disruption of pest management of agricultural and structural pests. The focus of the plan will be to use

The PDCP is in compliance with CDPR's plan to reduce VOC emissions from agricultural and commercial structural pesticide applications. Most of the elements of the CDPR plan are beyond the control of pesticide users, such as reformulation of pesticide products and development of alternative technologies that reduce emissions. However, the PDCP is an example of a program that incorporates a comprehensive approach to pest control, which allows for a reduction in the total pesticides needed for effective control. Several of the program's components (public outreach, statewide survey and research) would not use pesticides. In addition, the contain the spread element of the PDCP is a proactive approach to prevent or slow the spread of the glassy-winged sharpshooter and Pierce's disease by reducing glassy-winged sharpshooter populations through biological and other

B16-19	<p>control measures, and by regulating the movement of nursery stock, citrus, grapes, and other commodities that may harbor the glassy-winged sharpshooter.</p> <p>During rapid response to an infestation, the PDCP may incorporate methods of control other than the use of conventional pesticides, if it is shown that the methods would be effective in the particular environment of the glassy-winged sharpshooter infestation. As part of the PDCP research component, CDFA is continually evaluating the efficacy of methods to control the glassy-winged sharpshooter. As stated on page 8-2 of the Draft EIR, should one or more of the alternative control methods being studied in the research component prove effective at significantly lowering glassy-winged sharpshooter numbers, their use could be incorporated into the PDCP in the future. All of the PDCP components work together to control the spread of the glassy-winged sharpshooter across the state.</p> <p>Like all pesticide users, the PDCP would be required to comply with any future restrictions designated by CDPR to reduce pesticidal VOC emissions if target levels are not achieved.</p> <p>For the reasons outlined in this response, the PDCP is not expected to result in significant pollutant emissions or contribute in a cumulative manner to existing non-attainment air quality status.</p>	<p>As noted in the Draft EIR, the MOU's with CDFG and USFWS describe a process to be used to consult with these trustee agencies about any site-specific concerns posed by actions taken in this program. This approach is used because, unlike typical land use projects, it is impossible to predict where glassy-winged sharpshooter infestations might be discovered. The commenter has "prejudged" the outcome of these consultations with the assumption that incidental "take" will occur. If, in the opinion of the trustee agencies, additional measures such as permits for incidental take or monitoring programs are needed to protect threatened and endangered species or species of concern, then, as noted in the Draft EIR (page 5.4-7) the agencies would develop them pursuant to the conditions stated in the MOU's. Section 402.13 of the Endangered Species Act specifically allows for modification of actions by the USFWS to avoid adverse effects. The MOU's with CDFG and the USFWS specifically state that if CDFA activities pose potential jeopardy to threatened, endangered or candidate species, CDFA will enter into a formal consultation with CDFG and USFWS, with the attendant requirement for additional environmental analysis. Prejudging the outcome of future consultations is speculative and fails to acknowledge the authority of the trustee agencies. Also see Master Response 1.</p>	<p>See Master Response 1.</p>
B16-20			

A "precautionary principle" doctrine involves many elements and is too complex to be adequately treated in this document. Suffice it to note that precaution that is too narrowly focused may lead to adverse consequences elsewhere. Risk-benefit analysis is often invoked to balance competing interests. The pesticide use component of the PDCP is in conformance with the principles

B16-21

Chapter 5.2 of the Draft EIR addresses the potential effects to human health from air emissions related to the use of pesticides in the PDCP.

<p>adhered to by existing government authorities. This is a policy issue rather than a component of environmental impacts of the PDCP.</p> <p>The commenter reiterates general points made in the letter. Responses to specific comments are provided in responses to comments B16-2 through B16-20. Also see Master Response 7.</p>	<p>B16-24</p> <p>This letter from Keith Wagner, Program Director, California Legal Advocates for Wildlife (CLAW) to Susan Stratton, Department of General Services (April 23, 2001) (hereinafter “CLAW NOP Comment Letter”) was written to comment on the Notice of Preparation (NOP) for the Draft EIR. This letter was attached as Exhibit 1 to comment letter B16. In the footnotes on page 9 of comment letter B16, the commenter states that “the contents of Exhibit 1, as they are relevant to supplement these comments on the PDCP Draft EIR, are herein incorporated by reference.” The CLAW NOP Comment Letter was written to provide comments on the scope and content to be included in the EIR, not as a comment on the Draft EIR. As such, the following responses to comments B16-23 through B16-61 address the “substantive comments on the content of CDFA’s Draft EIR” by indicating where the comment was addressed in the Draft EIR, or the reason why it was not.</p> <p>B16-22</p> <p>This comment, B16-22, provides background information and comments specific to the preparation and content of the NOP. These comments were addressed where appropriate by CDFA at the time the NOP was published.</p> <p>B16-23</p> <p>See Master Response 7.</p>	<p>The Draft EIR uses the term “conventional pesticides” for “pesticides produced through chemical manufacturing processes; also known as synthetic pesticides,” as defined in the glossary of the Draft EIR. The term “pesticide treatment” is often used to describe the application of pesticides. Because various pesticides are used, and their application processes differ (foliar spray, soil injection, soil drench), the term “treatment” is used as a catch-all phrase.</p> <p>B16-25</p> <p>This comment is addressed in Chapter 1 of the Draft EIR.</p> <p>B16-26</p> <p>An analysis of the potential effects on vertebrate and invertebrate populations from the use of pesticides in the proposed PDCP, including pesticides applied in non-agricultural areas and pesticides applied in agricultural areas and nurseries, is provided on pages 5.4-8 and 5.4-9 of the Draft EIR.</p> <p>B16-27</p> <p>An analysis of the effects of the use of pesticides in the proposed PDCP on non-target insects is provided on page 5.4-10 of the Draft EIR. An analysis of the disruption of commercial bee colonies and pest management programs is provided on pages 5.1-6 and 5.1-7 of the Draft EIR.</p> <p>B16-28</p> <p>See Master Response 10 and response to comment B16-27.</p> <p>B16-29</p> <p>Analysis of the potential environmental effects from the release of non-native biological control agents is provided on page 5.4-12 of the Draft EIR.</p> <p>B16-30</p> <p>Analysis of the potential effects to special-status species from pesticides applied in non-agricultural areas and from pesticides applied in agricultural areas and nurseries is provided on</p>
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pages 5.4-8 through 5.4-10 of the Draft EIR. A description of the Memoranda of Understanding (MOUs) between CDFA and CDFG and USFWS outlining a communication process for notification of pest control activities and development of measures to avoid adverse environmental impacts is provided on page 4-24 of the Draft EIR. Copies of the MOU letters are provided in Appendix L of the Draft EIR.

B16-31 See Master Response 1. The process by which county PDCP workplans would be approved and the environmental review process for the workplans is described on page 1-11 of the Draft EIR.

B16-32 See Master Responses 2, 6 and 11. As described in the Draft EIR, no long-term or cumulative impacts are identified. The amount of pesticides that may be introduced is very limited, as is the frequency of applications. Applications to aquatic habitat are not part of the program, and practicable precautions are adhered to, to prevent secondary contamination.

B16-33 See Master Response 10.

B16-34 See Appendix P of the Draft EIR and Master Response 2. As noted in the Draft EIR, pesticide applications are only one aspect of the program. Based on the nature of program applications, no impacts or “side effects” other than what is discussed in the Draft EIR are identified. Selection of individual products is limited to those approved by government pesticide regulatory agencies for the intended purpose. Public communications are procedural, and not an environmental impact issue. Prior to application and after application of pesticides, residents and property managers are to be notified as to when applications are

scheduled and what materials are to be used. “Warnings” are not deemed necessary. The public is advised of prudent measures they may take to minimize personal exposure. These include not occupying sprayed areas until the materials have dried, having doors and windows closed while application is in progress, taking in children’s toys, pet toys, and pet dishes, and not harvesting food crops until the pre-harvest interval for individual items has elapsed. People are also reminded to wash all fresh fruits and vegetables before eating them. While no adverse health impacts are envisioned, people are advised to consult their personal health care provider should they experience any significant illness symptoms. People are also encouraged to report any illness symptoms they feel may have been due to the program.

B16-35 The Draft EIR notes that safety is not an attribute of a material itself, but that hazardous materials can be used safely. See Appendix P of the Draft EIR and Master Response 2.

B16-36 See Master Responses 2, 3, and 4.

B16-37 Information about CDFA’s glassy-winged sharpshooter-PDCP website, including content and links to monitoring reports, is provided on page 4-13 of the Draft EIR.

B16-38 See Master Responses 3 and 7. Fragile populations and distinctive locations are discussed in Appendix P of the Draft EIR. As discussed in the Draft EIR, requested exemptions are not compatible with the coverage necessary to minimize or eliminate the pest problem.

B16-39	Preventing the direct application of pesticides to bodies of water is covered in label restrictions imposed by the U.S. EPA and CDPR (see Draft EIR page 7-8).	PDCP. As such, the Draft EIR provides the environmental analysis requested by the commenter. Regarding the effectiveness of the Program, the available data indicate that treatment activities conducted under the emergency program are proving effective at reducing populations of the glassy-winged sharpshooter. For example, the infestation discovered in Contra Costa County in October 2000 was declared eradicated in August 2002.
B16-40	Communities located adjacent to agricultural lands have an on-going interface with all manner of agricultural operations. PDCP activities would not introduce any new or increased impacts. It is perhaps more urgent that such communities be treated should glassy-winged sharpshooter populations take up residence and serve as a reservoir for the pest. Allowing “no spray” zones around residential areas adjacent to glassy-winged sharpshooter-infested agricultural sites runs directly against the goals of the program. Having an area of unfettered glassy-winged sharpshooter reproduction near a susceptible crop will guarantee that Pierce’s disease will be moved into susceptible plants on both crop land and neighboring homes. ‘No spray’ options are discussed in Chapter 8 of the Draft EIR.	B16-43 An analysis of the No Project Alternative is provided on pages 8-13 through 8-17 of the Draft EIR.
B16-41	Chapter 8 of the Draft EIR describes alternative methods for controlling the spread of <i>Xylella fastidiosa</i> and its vector, the glassy-winged sharpshooter. Each method is discussed along with an evaluation of its possible effectiveness, strengths, and weaknesses and the potential environmental impacts of its use. In addition, CDFA has examined four program alternatives that use different combinations of control methods to slow the spread of the glassy-winged sharpshooter and Pierce’s disease. See Master Response 7.	B16-44 State law (Food and Agricultural Code Section 6046(h)) requires that PDCP county workplans include a proposed treatment program for Pierce’s disease and its vectors. Therefore, every county workplan must have a proposed treatment program. Specifics of proposed programs may vary, consistent with local county conditions. All counties function under the same requirements, obligations, and authorities provided in the California Food and Agricultural Code. See Section 4.5 (beginning on page 4-11) and Appendix E of the Draft EIR for more information.
B16-42	The commenter asks for an analysis of the environmental risks and effectiveness of PDCP treatment, suppression, and eradication efforts. The Draft EIR was prepared to describe and evaluate the potential environmental effects of the proposed	B16-45 See Master Response 10. Analysis of the potential impacts to biological resources associated with the proposed PDCP is provided in Chapter 5.4 of the Draft EIR.
B16-46	The potential disruption of organic farming is discussed on page 5.1-9 of the Draft EIR. Also see Master Response 10.	B16-46 The potential disruption of organic farming is discussed on page 5.1-9 of the Draft EIR. Also see Master Response 10.

B16-47	The potential impact to non-target insects from the use of pesticides in the PDCP is discussed on page 5.4-10 of the Draft EIR.	B16-52	As stated on page 4-36 of the Draft EIR, the proposed PDCP stipulates that notification materials may be translated into other languages to meet the needs of individual communities. As shown in the model/sample workplan in Appendix G of the Draft EIR, non-English speakers may be used to staff telephone help lines to answer calls concerning PDCP activities. The State CEQA Guidelines require the description and comparative analysis of a range of reasonable alternatives developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the EIR (State CEQA Guidelines Section 15126.6(c)). The commenter's requests for noticing alternatives would not avoid or lessen significant environmental effects and thus were not included in the alternatives analysis in Chapter 8 of the Draft EIR.
B16-48	See Master Responses 2 and 6.		
B16-49	Chapter 7 of the Draft EIR includes the analysis of cumulative effects of implementation of the PDCP in combination with other programs and projects, including the past, present, and anticipated future use of pesticides by other state and local jurisdictions and private growers and homeowners. See also Master Response 6.	B16-53	Analysis of the effectiveness of physical and chemical barriers against the glassy-winged sharpshooter is provided on page 8-9 of the Draft EIR.
B16-50	See Master Response 2. The composition of inert ingredients in pesticide products is not commonly revealed. Trade secret and confidentiality issues are involved. Requests for this information should be addressed to the product sponsors and the pesticide regulatory agencies. Products containing the same active ingredients as those used in the emergency PDCP are available for use by the general public, and listing of inert ingredients would have no influence on environmental impacts themselves. Impact evaluation is based on the hazard determinations of the regulatory agencies and use patterns of the products in the program.	B16-54	At present, genetically modified grapevines resistant to Pierce's disease do not exist (see Draft EIR page 8-3). It is speculative to judge their potential impacts until the exact genetic modification and its mode of action are known.
B16-51	A description of the public outreach component of the proposed PDCP is provided on page 4-13 of the Draft EIR. It is noted on page 5.1-5 of the Draft EIR that a warrant to enter the property must first be obtained in order for the county agricultural commissioners to abate public nuisances and treat the property if attempts to achieve voluntary cooperation from the landowner are unsuccessful.	B16-55	The potential impact to non-target insects from the use of pesticides in the PDCP is discussed on page 5.4-10 of the Draft EIR. The potential disruption of pest management programs resulting from implementation of the PDCP is discussed on page 5.1-7 of the Draft EIR.
B16-56	Analysis of the potential effects of the PDCP on worker health and safety is provided on page 5.2-20 of the Draft EIR. Analysis		

of the potential effects from pesticide use in and around fragile populations and locations is provided on page 5.2-17 of the Draft EIR.

B16-60 This is a request for provisions in the PDCP, not a comment on the scope or content of the EIR.

B16-57 A summary of CDPR's Environmental Monitoring of Ground Applications of Insecticide(s) in Glassy-winged Sharpshooter Treatment Areas is provided as Appendix S in the Draft EIR. A Summary of Pesticide Applications in Urban Areas Under the Emergency Pierce's Disease Control Program in 2000 and 2001 is provided as Appendix U in the Draft EIR. The web address for CDFA's glassy-winged sharpshooter-PDCP web site is provided on page 4-13 of the Draft EIR. It is noted that the web site offers frequent updates on infestation areas, treatment information, upcoming meetings and events, a host list, a chronology of the glassy-winged sharpshooter program, survey and regulations guidelines, biological control measures, resources and links, and other program and technical information.

B16-58 There is nothing peculiar to the PDCP that would impact the interaction of chemicals used by the PDCP under ordinary environmental conditions. Based on the manner of use of pesticide chemicals in the PDCP, there are no known factors in the environment that would uniquely act on materials applied for PDCP purposes that would significantly amplify, extend, or otherwise exacerbate impacts. The influence of environmental conditions on dissipation and degradation of pesticide chemicals in general is discussed in Appendix P.

B16-59 Information about established PDCP consulting agencies and groups is provided on pages 4-8 through 4-11 of the Draft EIR.

B16-61 See Master Response 7.

(Footnotes for response to comment B16-18)

¹ CDPR 2002. Department of Pesticide Regulation Volatile Organic Compounds (VOC) Emissions from Pesticides, downloaded from CDPR website <http://www.cdp.ca.gov/docs/pur/vocproj/vocmenu.htm>, accessed August 5, 2002.

² CDPR. 2000. Summary of Pesticide Use Report Data 2000, downloaded from CDPR website, <http://www.cdp.ca.gov/docs/pur/pur0Rep/chmrlp10.pdf>, website accessed January 4, 2002.

³ The plan will be implemented only in counties located in air districts that have formally adopted a SIP which references VOC reductions from this plan. (CDPR. 2002. CDPR Volatile Organic Compounds (VOC) Emissions from Pesticides website, <http://www.cdp.ca.gov/docs/pur/vocproj/vocmenu.htm>, accessed Aug. 5, 2002)

**LETTER
B17**

The Ecological Farming Association
406 Main St., Suite 313, Watsonville, CA 95076
(831) 763-2111, FAX (831) 763-2112

May 17, 2002

Ms. Susan Stratton, Ph.D.
Department of General Services
Real Estate Services Division
P.O. Box 959052
West Sacramento, CA 95798-9592

Re: Comments on the Draft Environmental Impact Report for Pierce's Disease Control Program,
California Department of Agriculture (SCHE# 2001032084)

Dear Ms. Stratton:

This letter provides comments on behalf of the Ecological Farming Association regarding the California Department of Food & Agriculture's Draft Environmental Impact Report for its Pierce's Disease Control Program. These comments are supplemental to comments submitted on our behalf by Lowell Downey of People Opposed to Insecticide Spraying on Neighborhoods.

While we fully support the comments submitted on our behalf in the above-mentioned letter, as advocates for sustainable farming in California, we feel that the impact of spraying on organic farms merits further emphasis. We are outraged that the DEIR states that, "Organic farms could be temporarily converted to non-organic farms;" however this conversion would not result in a conversion of agricultural lands to non-agricultural use," and concludes that this is not a "significant impact" for CEQA purposes because even though it may be "economically adverse" to organic farmers, "organic farms could be temporarily converted to non-organic farms." These statements show complete ignorance of how organic farms are run economically, ecologically, and philosophically, and fail to adequately assess the long-term damage that forced spraying would inflict on the welfare of organic farm families, organic farm employees, human and wildlife neighbors of organic farms, and consumers of organic produce.

The letter submitted on our behalf by Lowell Downey does an excellent job of outlining the environmental consequences of converting organic farms to conventional. However, the danger that these farms will be permanently converted to non-agricultural or other agricultural uses is much greater than implied, increasing the potential for significant environmental consequences.

The conversion from organic to conventional and vice-versa is not just a matter of input substitution. Organic farms tend to have higher per unit production costs than conventional operations, primarily because organic cultivation management practices require higher per unit labor inputs. These costs are recovered through an alternative marketing system that awards a premium to organically grown produce. Conversion to conventional farming means changing management practices, wasting the investment in experience and education that it takes to make organic farming successful, and losing established business relationships in the alternative market. It also means discharging labor to become competitive, which would severely impact farm workers who are employed by organic farms.

The development of an integrated organic farming system takes years and runs off a very delicate ecological balance that is developed and fine-tuned over time. The transition time is very expensive - especially when the farm cannot earn premium prices. Once that balance is disturbed by pesticide use, it will not only take a full three years to recover organic certification, but may take even longer to achieve ecological balance. In that amount of time, the organic farming business is likely to lose economic viability. Furthermore, what is the guarantee that once a farm starts the process of coming back into compliance with organic regulations that future sprayings will not continue to set the three-year clock back to zero? The word temporary is cavalier.

Spraying will put most of the effected organic growers out of the organic business for a significant and undetermined amount of time. It will force the choice upon growers and their families of leaving their land or giving up something of great importance for health, safety, ecological, moral, and even lifestyle reasons. Organic farming is not just an economic choice. Assuming that organic growers are marginal, it will go out of production. Hence, the consequences of the mandatory spraying program would essentially be to sacrifice organic farmers for the sake of vineyards, a decision that CDFA has no right to make.

Mandatory spraying also denies the organic farmers freedom to choose their production system and way of life. Most organic farmers have weighed the risks and benefits of conventional agriculture and chose to farm organically for health, safety, ecological, moral, and even lifestyle reasons. Organic farming is not just an economic choice. Assuming that organic farmers can easily and temporarily convert to conventional farming, their inherent rights to choose a way of life, For most organic farmers, conversion to conventional farming, temporary or not, is simply not an option.

The Ecological Farming Association fully supports CDFA's efforts to prevent the spread of Pierce's disease through surveys to determine the current distribution of the Glassy Winged Sharpshooter (GWSS), in developing and disseminating empirical information about the nature, characteristics and impacts of Pierce's disease, in providing training and education on the biology and detection of Pierce's disease and GWSS, and in developing statewide, coordinated programs of regulating the movement of commodities that may harbor Pierce's disease and various GWSS life stages. These efforts will benefit the state's many organic and sustainable grape growers as well as conventional growers. However, the PDCP DEIR cannot be certified as it is presently written. We assert that the proposed project fails to adequately consider a reasonable range of alternatives and to keep the long-term welfare of all of California's agriculture and our communities as its highest priority. We demand that CDFA develop an alternative solution that does not destroy organic farming in the region, endangering the livelihood and well-being of organic farm operators and their employees. Furthermore, we believe that an alternative solution should ensure that no farm, community or individual will be subjected to the direct or indirect impacts associated with forced exposure to insecticides.

Sincerely,

Kristin Rosenow
Kristin Rosenow

Program and Operations Director
On behalf of the Ecological Farming Association

B17-1
(cont.)

B17-2

B17-3

B17-4

LETTER B17: KRISTIN ROSENOW, THE ECOLOGICAL FARMING ASSOCIATION

Although a “farm, community or individual” may be exposed to insecticide treatment areas as part of the PDCP, this would not result in a significant impact to human health or the environment. As described in Chapter 9 of the Draft EIR, CDFA understands that some members of the public may be upset over what is characterized as “involuntary exposure.” One of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.

- B17-1 See Master Response 10. The PDCP rapid response component is designed to minimize the size of areas to be treated by providing for quick delimitation and treatment. The commenter is overstating the degree of treatment. In addition, as shown on Figure 4-3, organic options would be considered for treating organic crops. Conversion of organic farms to non-organic uses is not a likely outcome.
- B17-2 This comment is consistent with the analysis and information provided in the Draft EIR.
- B17-3 The State CEQA Guidelines require the description and comparative analysis of a range of reasonable alternatives that have been developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the EIR (State CEQA Guidelines Section 15126.6(c)). As described on page 5.1-9 of the Draft EIR, the conversion of organic farms to non-organic farms, although potentially economically adverse, is not considered an environmental impact under CEQA. The commenter’s suggested alternative would not lessen a significant impact to the environment, and thus was not considered in the Draft EIR. However, an evaluation of alternative control methods is provided in Chapter 8 of the Draft EIR. See Master Response 7.
- B17-4 The potential for PDCP activities to result in adverse environmental impacts is described in Chapter 5 of the Draft EIR. All of the potential environmental impacts were found to be less than significant. Based on the available information, the proposed PDCP is the environmentally superior alternative that meets the program goal of minimizing the statewide impact of Pierce’s disease. See Master Response 7.

**LETTER
B18**



RECEIVED
PROTECT MARIN
Marin Beyond Pesticides Coalition
MAIL 20 P.O. Box 824, Kentfield, CA 94914-0824
415/458-1391 phone 415/458-2848
www.pesticidefreezone.org

May 17, 2002

Ms. Susan Stratton, PhD,
Department of General Services
Real Estate Services Division
P.O. Box 989052
Sacramento, CA 95798

Regarding: Draft EIR, Fierces Disease (SCH #2001032084)

Dear Dr. Stratton,

Marin Beyond Pesticides Coalition, representing 47 community groups, businesses and public entities, is quite concerned over the recommended alternative as presented in the draft EIR for control of the glassy-winged sharpshooter. Given that our county is nearly equally divided between urban, rural and park regions we have a totally different mix of economic interest and health concerns from that of the central valley of California. The draft EIR dismisses all interests other than high production agriculture as insignificant. It also dismisses alternative forms of insect control as not applicable without full rational. This draft suggests there is only one answer for the entire state, forced spraying of pesticides. This conclusion we feel is wrong.

People in our community do not wish to be contaminated with toxic chemicals without full disclosure, community discussion and foreknowledge. In a recent health survey it was discovered that nearly 17% of our population self-reported to be chemically sensitive. These sensitive people, children, the elderly and pregnant women deserve the right to remain uncontaminated and yet forced spray is considered appropriate by the draft EIR.

Organic agriculture is paramount in west Marin as well as in community and school gardens throughout Marin. To willing destroy organic farms is criminal due to the years required to regain certification and to regenerate soil biology. To further dismiss the organic experiences without understanding the reasons and ability of these farmers to withstand this onslaught of the sharpshooter is a missed opportunity to learn how to control this pest without chemicals. Discussion of soil biological health, insect balance and appropriate plantings are totally lacking in this draft document.

The draft EIR represents the power of one economic interest to control California's agricultural agenda to the detriment of the rest of the state. At what point will ordinary people, the agricultural workers, school children, and urban dwellers, gain equal status with that of a recreational beverage? Marin Beyond Pesticides feels this draft EIR is an inadequate document that must to fulfill CEQA requirements, more completely address alternatives and require a more complete discussion of preventive approaches.

We thank you for the opportunity to comment on this document.

Sincerely,

Virginia Souders-Mason
Virginia Souders-Mason, Chair

LETTER B18: VIRGINIA SOUDERS-MASON, MARIN BEYOND PESTICIDES COALITION

B18-1 See Master Responses 7 and 11.

B18-2 See Master Responses 2 and 3.

B18-3 See Master Response 10. The Draft EIR gives consideration to organic farming. In addition, as shown on Figure 4-3 of the Draft EIR, organic options would be considered for treating organic crops.

B18-1

Comment noted.

B18-4

B18-5 See Master Response 7. The commenter does not identify any other specific program alternatives, alternative control tactics, or other "preventative approaches" for CDFA to evaluate.

B18-2

B18-3

B18-4

B18-5

LETTER

B19

GWSS DEIR – Attention: Ms. Susan Stratton, Ph.D.

Page 1 of 6

Stratton, Susan

From: Barbara Wilkie [wilworks@juno.net]
Sent: Friday, May 17, 2002 11:31 AM
To: pcpinfo@govta.ca.gov
Subject: GWSS DEIR – Attention: Ms. Susan Stratton,

GWSS: SAFER ALTERNATIVES

May 17, 2002

Ms. Susan Stratton, Ph.D.
 Department of General Services
 Real Estate Services Division
 P.O. Box 989052
 West Sacramento, CA 95798-9052
 Re: Comments: Draft Environmental Impact Report for Pierce's Disease
 Control Program, California Department of Agriculture (SCB# 2001032084).

Dear Ms. Stratton:
 This letter is written on behalf of the Environmental Health Network (EHN) by Barbara Wilkie, current board president.

EHN thanks California Department of Food & Agriculture for the opportunity to comment on the Draft Environmental Report (DEIR) for the Pierce's Disease Control Program -- otherwise known by the vector's name, the Glassy-Winged Sharpshooter (GWSS). As I have just received a copy of the DEIR, I will not be giving a point by point comment regarding it. I will, however, ask that the state of California look to the safer means for GWSS control that have been provided by various reliable sources.

About EHN

EHN is an organization which was established in the early 1980s to lend support to and to advocate on behalf of people who are living with chemically injury, Chemical Injury, or Multiple Chemical Sensitivity, is manifested by a series of chronic illnesses that can be reflected in serious debilitating and disabling effects such as -- but not limited to -- brain damage, cancers, asthma, and various diseases associated with central nervous system disorders. MCS affects people of all ages and of all races. MCS, like the synthetic chemicals that bring it on, knows no boundaries.

Premiss

U.S. EPA Administrator, Christine Todd Whitman, when Governor of New Jersey stated in a speech in October 2000 before the National Academy of Sciences in Washington, D.C.:
 "[P]olicymakers need to take a precautionary approach to environmental protection... We must acknowledge that uncertainty is inherent in managing natural resources, recognize it is usually easier to prevent environmental damage than to repair it later, and shift the burden of proof away from those

GWSS DEIR - Attention: Ms. Susan Stratton, Ph.D.

Page 2 of 6

advocating protection toward those proposing an action that may be harmful."
 (Source: Californians for Pesticide Reform (CPR))

B19-1
 (cont.)

EHN is encouraged to learn that there is no planned aerial spraying over urban areas, but that leaves urban areas still subjected to the use of pesticides. (A-10) Indeed, county Agricultural Commissioners, my own (Alameda County) included, have gone on record to state that if given the order to pesticide they shall! Also, the statement that there will be no aerial spraying over urban areas brings little comfort when we take a moment to reflect upon today's meeting of urban and rural communities. Often we are talking about a narrow road separating the two worlds. As "aerial spraying" and "pesticide drift" are seemingly synonymous, the two words become one. Additionally, pesticides often are not sprayed properly "in accordance with existing regulations and permits." Nor is it reassuring to read that pesticides "would be used according to registration and label directions." (A-10) All to often that is not the case.

But even when pesticides are applied according to label directions by professional, well-trained applicators with proper oversight by authorities, these synthetic chemical products still carry out their mission. They are toxic. They do what toxins do. Synthetic chemical pesticides are designed to cause injury and death. That's just what toxins do... it's the nature of the beast.

But let's step back a moment to look at those supposedly reassuring words: "used according to registration and label directions."

Synthetic chemical pesticide products are released to market without adequate testing. Pesticides have a history of being phased out of use after several years on the market. This tells the astute individual that there is not enough long-term and systemic evidence supporting the supposed safety of these chemicals before marketing. And there's yet another problem, which is inherent in that term "phased out." For products may be continued to be used that have already been declared harmful ... but to support industry -- obviously not public health -- those toxic products are allowed to be used for a set period of time into the future. A question comes quickly to mind: How long will it be before we perhaps learn that Carbaryl and other GWSS-designer pesticides will be phased out?

Another problem comes to the fore when we realize that even in reading a label, one never learns of all of the toxins existing in a pesticide due to the fact that many toxins are hidden "by the messenger" INERT. Using the word "hider" is the pesticide industry's method of protecting from public information all of the toxins (proprietary ingredients) it uses in the manufacture of that particularicide (MI).

Another problem arises if we consider that aerial spraying is not appropriate for urban areas, but fine for rural areas. This leaves something to be desired... Are we really reading that rural populations are us expendable as our beneficial bugs and wildlife that are not on the endangered species list? This certainly seems to be the case if we take the time to read -- or even skim -- the prodigious reports by various pesticide reform agencies on the health of our farm workers. Time and again we learn that our farm workers are suffering debilitating and disabling diseases, they lack appropriate healthcare, and suffer premature death. And sadly, we are learning all too often that families forming the urban sectors of our society are also living with debilitating and disabling diseases, they lack appropriate healthcare, and suffer premature death. Two worlds are one. Conception, let's make that: Three worlds are one! For daily we learn of our fish and wildlife suffering death, disfigurement, adverse effects of hormonal disruption, .

B19-2

B19-3

B19-4

B19-5

B19-6

GWSS DEIR - Attention: Ms. Susan Stratton, Ph.D.

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There is a pattern here: PESTICIDES. Pesticides are poisons, they are nerve agents. One of the pesticides suggested for use against the GWSS is Carbaryl. Carbaryl is a wide-spectrum carbamate insecticide which is lethal to many beneficial insects, including bees. But it is also harmful to human beings. The No Spray Action Network informs us about Carbaryl:

"Health Effects: moderately to very toxic to humans; not a toxin and suspected endocrine disrupter; direct contact with skin or eyes with moderate levels of this pesticide can cause burns; inhalation or ingestion of very large amounts can be toxic to nervous or respiratory systems, resulting in nausea, stomach cramps, diarrhea and excessive salivation; other symptoms at high dose include sweating, blurring of vision, loss of coordination and convulsions."

"Ecological Effects: highly toxic to crustaceans and insects; moderately toxic to fish, zooplankton and earthworms; kills beneficial insects such as bees, as well as pests. (<http://www.freestome.com/nospray/pesthealtheffects.htm>)"

Safe application?

There is little comfort to learn that pesticides will be applied "in accordance with all laws and regulation of the State of California." Pesticides are toxins. Until we know the answers to why human beings of all ages and races are suffering "unexplained" skyrocketing rates of various chronic illnesses, including but not limited to, Asthma, Attention Deficit Disorder, Autism, various cancers, MCS, Parkinson's, Alzheimer's, etc., we should be looking for safer means of controlling the GWSS, vector of Pierce's Disease.

Alas, I have found no effective provisions in this DEIR for fragile populations of humans. Just as beeskeepers cannot easily move their bees to save those lives, there is no mechanism in place to move out people. But then larger questions loom. What if you did wish to move those who are acutely ill, very young or very old, or pregnant? Where would they go that was safe and how long would you have to keep them sheltered? And how safe would that shelter be?

For the already chemically injured, shellers have proven to be a decided health risk as synthetic chemical products are used for cleaning, and the already chemically injured individual's body cannot tolerate those chemicals. Consequently, we may be told to "shelter in place." Would it were we were on a "threatened/endangered species" list such as a precious few of our fish and wildlife. For then there could be agreement between agencies for "appropriate mitigation measures to be taken in these sensitive areas." (A-13) As that is not the case, we human beings, along with beneficial bugs, and fish and wildlife not covered by the endangered species act are considered expendable. "Acceptable risk."

Possible "appropriate mitigation measures to be taken"

From No Spray Action Network's "Health and Ecological Effects of Pesticides Used to Combat the Glassy-Winged Sharpshooter" at <http://www.fireatone.com/nopray/pesthealtheffects.htm>:

"Non-chemical and least-toxic approaches are safer and more effective. Short-term solutions:

"> Control of glassy-winged sharpshooter using quarantine measures, beneficial insects, e.g., parasitic wasps; physical barriers and trap crops; anti-feedant and repellent strategies, such as

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kaolin clay; and confusion strategies, such as reflective tape.

"> Control of Pierce's Disease by pruning, using micronutrient treatments to boost plant resistance to infection, and identifying naturally-occurring bacteria that inhibit spread of the bacteria that cause Pierce's Disease. Long-term solutions:

">> Increase plant health by building healthy soil through composting, cover cropping and other organic and biologically-based practices.

">> Identify naturally resistant cultivars of not just grapes, but also almonds, stone fruits, and other plants potentially affected by related diseases.

">> Research and develop effective intercropping, crop rotation and other strategies to break pest and disease life cycles.

">> Reduce risk by increasing crop diversity and naturally-occurring genetic diversity within crops.

"Information Sources: Report of the Pierce's Disease Research and Emergency Response Task Force, University of California, Department of Agriculture and Natural Resources, http://dair.ucr.edu/news/PestManagementAtTheCrossroads_ConsumersUnion_1996.htm; www.nrdc.org; Harvest of Hope, Natural Resources Defense Council, 1991, www.nrdc.org.

EHN would like to add: Bring on the bats. I contacted Bats Conservation International, having remembered enjoying watching the bats around our farm feast on pesky bugs, thereby keeping the bug population down. I queried them about bats as a predator of the GWSS. Following is the reply.

"The glassy-winged sharpshooter Homalodisca coagulata is in the leafhopper family Cicadellidae that are largely known to fly during the night and these insects are known from the diets of bats. Although I am unaware of any studies that specifically document this insect as a bat prey item, I would say that it is highly likely that bats eat them. Bats like many animals are opportunists and can and will make use of any food items that are abundant. A simple study of placing bats in an enclosure with a known number of these insects would conclusively demonstrate that they are eaten.

"Even chemicals are not a cure all for insect pests and there are many instances where they do more harm than good either by removing predatory insects or by introducing poisons into our lives. The wise use of integrated insect control techniques is a concept that is more easily overcome [accomplished] through education.

"I hope this helps."

Brian Keesley
Bat Conservation International <http://www.batcon.org>

Conclusion

05/20/2002

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EHN certainly appreciates CDFA's efforts to bring to the public's attention the Pierce's Disease Control Program. We feel we all must learn more about the biology of GWSS and CDFA's website takes us a step in that direction.

Alas, CDFA has spent a great deal of time, effort and money in the public relations campaign around the concept of poisoning the GWSS into submission. EEN believes an equal amount of time, effort and money should be invested in investigating and implementing environmentally responsible methods of controlling the spread of Pierce's disease.

In the interest of the public's right to know, it would be a step in the right direction of presenting a more balanced view if CDFA could build links to organizations that provide information on the negative impacts of reliance upon synthetic pesticides. Following are just a few of the many excellent sources:

Beyond Pesticides/NCAMP and their:
 "What To Do In A Pesticide Emergency"
<http://www.ncamp.org/todo1.htm>

"What's In a Pesticide?"
<http://www.beyondpesticides.org/main.html>

B.I.R.C.
<http://www.keyed.com/fhire/index.html>

Californians for Pesticide Reform (CPR)
<http://www.pesticiderreform.org>

Canaries - NO ACCEPTABLE RISK • Campaign
<http://www.noacceptablerisk.com/>

East Bay Pesticide Alert
<http://www.dontspraycalifornia.org>

Environmental Health Network (EHN)
<http://www.ehna.org>

Get Set, Inc. (AKA, Get IPM)
<http://www.getipm.com/>

No Spray Action Network
<http://www.freestonecommospay/>

Pesticide Action Network North America (PANNA)
<http://www.panna.org>

And last but not least, please make easily available California's own:
Pesticide Illness Reporting Form • PDF format
http://www.oehha.ca.gov/pesticides/pdf/PIR_99.pdf

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Let us all work together to not only mouth the words "Pesticutionary Principle," but to actually put that principle into practice. Now is the hour. It is the hour to begin protecting our fish and wildlife downstream. It is the hour to begin protecting our beneficial bugs. It is the hour to begin protecting our farm workers, our rural communities, our urban populations. Now is the hour.

B19-12

The burden of proof must be moved to the pesticide industry. We all -- people, fish, wildlife, our planet -- have served long and nobly as their unpaid, unacknowledged guinea pigs.

Please keep in mind: We all are stakeholders when it comes to breathing.

On behalf of the board members of the Environmental Health Network, again, thank you for the opportunity to comment on the DEIR for the Pierce's Disease Control Program.

Sincerely,
 Barbara Wilkie
 President

Environmental Health Network
 PO Box 1155
 Larkspur, CA 94977 - 1155
 Message system: 415.541.5075

cc: Governor Gray Davis
 EHN Board members
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I've no quarrel with alerting folks to the roundup of the usual suspects as asthma triggers: cats, cockroaches, dust mites, and sometimes mould during. But the public should be informed about the insidious role played by synthetic scents! Caveat Emptor!

See FDA Petition and the Chemical Analyses:
<http://www.ehna.org/FDApetition/okgrinto.htm>
 Email the FDA: <fiaidocres@fda.fda.gov>
 Reference: Docket Number 99P-1340

05/20/2002

4-208

LETTER B19: BARBARA WILKIE, ENVIRONMENTAL HEALTH NETWORK

		is protected under trade secret laws. The PDCP has no authority in this legal arena.
B19-1	The commenter asks that “the state of California look to the safer means for glassy-winged sharpshooter control that have been provided by various reliable sources.” See Master Response 7 regarding CDFA’s evaluation of alternatives to the program and specific alternative control methods.	B19-6 See Master Response 2.
	The commenter also provides information about the Environmental Health Network and a quote from U.S. EPA Administrator Christine Todd Whitman.	B19-7 See Master Responses 2, 3, and 7.
B19-2	Comment noted.	B19-8 See Master Response 3.
B19-3	See Master Response 2. As stated in Appendix P of the Draft EIR, the standard of U.S. EPA is stated to be “reasonable certainty of no harm.” Risk cannot be reduced to zero. By way of example, safeguards are imposed to allow people to access and use gasoline, a very hazardous material. This does not mean that careful adherence to prescribed precautions will eliminate all risk. There is no simple or comprehensive way to identify every hazard that may exist or to list what risk or degree of risk may be considered acceptable versus unacceptable.	B19-10 This is an interesting idea. Bats are nocturnal feeders of insects that spend large amounts of time flying above plant tops in the air column. Glassy-winged sharpshooter adults do not typically spend much time in the air column above the plant tops flying from plant to plant. Instead they move from plant to plant in rather short flights or hops, usually not getting much above the tops of the plants (Drs. Richard Redak and Raymond Hix, University of California, Riverside personal communication). Bats do not move within the plant canopy to feed but instead concentrate their efforts in the large open areas. If a bat found a glassy-winged sharpshooter in the air we do not doubt that it would eat the pest. Based on the biology of both organisms, it is unlikely that bats would exert sufficient impact on glassy-winged sharpshooter numbers to have a measurable effect.
B19-4	See Master Response 2. Phasing out of materials does not signify harm has occurred. There are many reasons a product may be phased out, including the introduction of more advantageous materials or techniques. The future regulatory fate of carbaryl, or any other registered material, cannot be predicted.	B19-11 Comment noted.
B19-5	See Master Response 2. Inert ingredients are discussed in Appendix P of the Draft EIR. Disclosure of the identity of formulation ingredients	B19-12 Comment noted.

**LETTER
B20**

RECEIVED
PROJECT MANAGEMENT
BRANCH

MAY 17, 2002

2002 MAY 20 12:05

TO: SUSAN STRATTON

916-376-1606

FROM: DAN ZIMMERMAN

530-477-6510

RE: PDCP DEIR

OF PAGES = 18 + COVER

ENCLOSED IS A CONCERNED
COPY OF THE FAXED COPY
SENT THIS SAME DAY

5/17/2002 TO

SO SHAW SMCATON

May 17, 2002

From: Dan Zimmerman
Sierrans For Safe Passage
16394 Dry Creek Lane
Grass Valley, CA
95949

To: Jim Rainis

CDFA
1220 N Street
Sacramento, CA
95814

Mailed To:

Susan Stratton
Sr. Environmental Planner
Department of General Services
Real Estate Services Division
Professional Services Branch
P.O. Box 989052
West Sacramento, CA
95798-9052.

Re: Pierce's Disease Control Program Draft EIR

This letter is being written on behalf of myself, Sierrans For Safe Passage and Californians for Alternatives to Toxics. Please incorporate by reference all other comments submitted by these groups.

I thank you for this chance to offer my comments concerning the Pierce's Disease Control Program Draft EIR (DEIR). I appreciate the importance of this program and hope that the following comments are used in the drafting of the final EIR for this program.

The following concerns with this DEIR are very limited in their scope and will only address the use of additives (anything other than the active ingredient) found in the pesticide tank mix and not the pesticide active ingredient itself. The reason for this is threefold; 1) Other commenters will be addressing (to the best of their ability in the limited amount of time allowed) the harm that is associated with the use of the pesticide active ingredients proposed for use; 2) There is insufficient time to adequately address and research all of the active ingredients that could be used and 3) The additives in a pesticide formulation are not regulated by the EPA or CDPR in the pesticide registration process and are often more toxic than the active ingredient.

It should be understood that because these comments do not address harm that can be caused by the pesticide active ingredients, in no way should this be construed as a form of agreement with the DEIR's finding of "less than significant impact". From the use of these substances (5.2-12), in truth this is an illegal and unaware evaluation. The Federal Courts have recently acknowledged the fact that there are forms of harm (i.e. endocrine disruption, immunological and neurological effects) that are not adequately addressed in the pesticide registration process and as such are not adequately addressed in this DEIR.

Other forms of harm that are addressed in the registration process are often found to warrant cancellation of registration only after years of research and use have shown them to be unacceptable (i.e. diazinon). To bestow upon this program's proposed pesticide use the sanctity of "less than significant impact" because it has passed through an inadequate and controversial registration process is unfair to those who have or may be impacted by this use.

B20-2

B20-3

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This is also true for the equally inappropriate assumption that the use of pesticides in the PDCP "would not result in significant cumulative adverse health effects" (7-8). There is no requirement in the registration process for pesticides, by either the EPA or CDPR, that addresses the potential of cumulative effects being caused by the use of multiple pesticides. Therefore it is impossible that the issue of cumulative impacts would be adequately addressed by the labeling or monitoring requirements of these pesticides. In truth, labeling and monitoring requirements has nothing to do with the potential for cumulative impacts. Could you please explain in detail the analytical route that was taken to arrive at the assumption that label restrictions and monitoring requirements would insure that there would be no cumulative impacts from pesticide use associated with this program in conjunction with the use of other pesticides.

It should also be noted that I have not included an in-depth analysis of the pesticides proposed for use in this DEIR because there is no actual parameter as to what pesticides might be used. As shown on pages 4-27, 4-34 (Table 4-6) and 5-2-11 ("Other registered pesticides may also be used"), there are no limits other than effectiveness being placed on which pesticides can be used. To expect the public to be able to fill in all the gaps left from the pesticide registration process on the number of effective pesticides that could be used in this program would take years and there would still be thousands of unanswered questions.

There is one last concern with following label requirements. The label for carbaryl clearly states "Do not apply this product...if bees are visiting the treatment area" (M-1). Since most 2000 year applications occurred at a time when honeybees would be expected to be present, how was it determined that there where no bees visiting these areas when carbaryl was applied.

ADDITIVES

Definition of Additives

The active ingredient (a.i.) in any pesticide project must be formulated with other ingredients to allow for better performance. When already a part of a pre-mixed product these ingredients are called inert or "other" ingredients. When added to a product in the tank mix stage, they are called adjuvants, which are then broken down further into active ingredients and other ingredients. The use of the terms adjuvant, inert and active ingredient have often been a stumbling block to understanding what component of a product needs to be addressed through environmental analysis. The confusion arises from the thought that active denotes toxicity and "inert" or "other" ingredient does not. Because many consumers are misled by the term "inert ingredient," believing it to mean registrants of pesticide products to voluntarily substitute the term "other ingredients" as a heading for the "inert" ingredients in the ingredient statement.

An active ingredient is that which produces the desired effect in a specific product. In an insecticide product, the desired effect is killing insect pests, so the compound producing those effects is the active ingredient. Surfactants and other substances in this mix are then considered inert or other ingredients. However, when the product is a surfactant, the desired effect is surface conditioning and then the surfactant becomes the active ingredient. And so on down the line. Each component of an insecticide tank mix serves a purpose and to this purpose it is the active ingredient. The terms active ingredient, adjuvant, and inert or other ingredient have no toxicological significance. They only specify what agent is producing the desired effect of a given product.

When discussing an insecticide tank mix, we will call anything other

B20-4

B20-5

B20-6

B20-7

an additive produces an adverse toxic effect, this additive needs to be analyzed through the risk assessment process. A tank mix is the term used to describe the mix of pesticides and additives that are combined in the field for application. There are many kinds of insecticide products. Liquid commercial formulations for spray application include water-soluble liquids, emulsifiable concentrates, suspensions or concentrates or "flowables," and gels. The carrier in liquid formulations is usually water or an organic solvent or oil. The general chemical class of the carrier may be deduced based on the solubility characteristics of the a.i.. Cosolvents may be necessary to optimize solubility and stability. Dry formulations that are mixed with water for spray application include wettable powders and water-dispersible granules. In wettable powders the a.i. is combined with a finely ground dry carrier. Other ingredients that enhance the ability of the powder to suspend in water are also added. Granules are broadcast directly out of the container.

Adjuvants are intended to enhance product performance or coverage. Surfactants, or surface-active agents, are a broad category of additives / inerts that facilitate and enhance the absorbing, emulsifying, dispersing, spreading, soaking, wetting or penetrating properties of a pesticide. Surfactants are often present in pesticide formulations or added prior to application. Surfactants are most often used with insecticides to improve retention on difficult-to-wet foliage such as waxy citrus leaves. Citrus trees are considered "the favorite host" for the glassy-winged sharpshooter (DEIR 3-19). Surfactants also improve retention onto and enhance penetration through an insect's outer body. New surfactant systems are currently of intense competitive importance.

Stickers and extenders function to lengthen pesticide performance life by increasing product tenacity or weathering qualities of materials sprayed on plant surfaces. These frequently are combined with surfactants and are available as "spreader-stickers." Other adjuvants available for specific applications include anti-foam agents and suspending agents that improve performance and enhance application of pesticide suspensions. Other additives include pH adjusters, buffers, milling aids, acid scavengers, dyes, preservatives, densifiers, antifreeze, and crystal promoters. pH adjusters are often used with organophosphates and carbamates since alkaline water used for the mix will reduce effectiveness. In general, adjuvants properly used increase product performance, reduce waste and help minimize non-target contamination.

The number of adjuvants registered for use in California is many times less than the actual number of available products, but often there is little, if any, difference between those registered in California and those that aren't. Sometimes it simply means that registration has not been applied for. Other times it is simply a matter of different labeling requirements or limiting the type of application or intended uses. Two identical formulations from the same company will have different names and labels, one for use in California, the other not for California use.

SURFACTANTS

There are four types of surfactants based on their chemistry: Nonionic, cationic or anionic surfactants and the silicone compounds.

Nonionic Surfactants

Nonionic surfactants (NIS) have no electrical charge and are compatible with most pesticides. The most common nonionic surfactants are mixtures containing alkylphenol ethoxylates (APE) or alcohol ethoxylates (AE) as the primary active ingredient.

Cationic or Anionic Surfactants

Certain surfactants may be cationic (+ charge) or anionic (- charge), and are

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(cont.)

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specialty additives that are used in certain situations and with certain products. Anionic dispersants are mostly used with acids or salts. They are more specialized and used as emulsifiers and compatibility agents.

Silicone Compounds

Silicone-based surfactants, also known as organo-silicones, are increasing in popularity due to their superior spreading ability. Some of these surfactants are a blend of nonionic surfactants (NIS) and silicone while others are entirely silicone. The combination of a NIS and a silicone surfactant can increase absorption into an insect's body. Applicators are urged to exercise caution when applying organo-silicones, however, because the surface's extreme spreading ability may lead to droplet coalescence and subsequent runoff. There are generally two types of organo-silicone surfactants: the polyether-silicones that are soluble in water and the alkyl-silicones that are soluble in oil.

USE AND ANALYSIS OF ADDITIVES IN THE PDCP

There have been numerous studies in recent years concerning the benefits derived from adding surfactants or other additives to insecticide sprays. Many of these studies have found that effectiveness is greatly improved with the addition of additives, especially surfactants, either through additive or synergistic processes, or by increasing spray retention, penetration or penetration or the active ingredient. The label for Templo (a.i. cyfluthrin) on page M-14, when dealing with leafhoppers, states "Addition of a spreader/sticker at recommended rates may enhance control of insects on certain species...having hard-to-wet foliage" (DEIR, page M-14). It should be noted that the favored habitat of the glassy-winged sharpshooter is the citrus tree (DEIR, page 3-19) which has a waxy coating. Templo also contains the leaves which makes it an extremely hard-to-wet foliage. Templo also contains the highly toxic additive, crystalline silica (see below for discussion).

A recent USDA study showed that the surfactant Tween 60 and other additives increased toxicity of an insecticide to the Mexican fruit fly as much as 7 fold (Mangan & Moreno, 1998). Another series of studies have found that against the rice planthopper both ionic and nonionic surfactants increased toxicity twofold of the insecticide malathion. While other additives increased toxicity to mites 5 fold through elimination of resistance (Kao Corp, 1985).

Lack of Analysis

If pesticide active ingredient analysis can be said to be lacking in this DEIR, the analysis of impacts from additives that could potentially be used in the pesticide full formulation is non-existent. The only reference to additives is the 2 page description of inert ingredients found on pages P-30 & P-31. On page 5.2-11 the DEIR states that "a general discussion of inert ingredients is provided in Appendix P". There is no discussion of impacts, cumulative or otherwise, from the use of inert or any other additives in the pesticide full formulation. This is in violation of CEQA, which requires the lead agency to provide adequate analysis of all environmental impacts associated with the proposed program.

Significant effects from a pesticide project cannot be analyzed in the context of an active ingredient only. Every pesticide formulation contains numerous substances other than the active ingredient, many of which are more toxic than the active ingredient itself. Since the main criteria for selecting which pesticide will be used is effectiveness, and additives have shown the ability to increase effectiveness many fold, it must be assumed that their use could be forthcoming. This is especially true for the need for treating citrus with its hard-to-wet foliage. The list of potential additives, especially when you include those already present in the formulated pesticide product, that could be part of a spray

operation is staggering. It is imperative that the CDFA identify those that have the greatest potential for use in the PDCP.

The protocol for deciding which pesticides can be used in this program is clearly spelled out. On page 5.2-11 you state that pesticides will only be used when there is "reasonable assurance of no harm when applied according to label directions". On 4-27 if new pesticides are to be added to the list they must show first that there is "reasonable assurance of no harm under proposed use conditions". If this standard is applied to pesticide use, it must surely apply to additives that are also a part of the full formulation. To do otherwise would be akin to handing a child a glass of water tainted with arsenic and claim that it is safe to drink because there is no DOT in it. The glass of water is only safe to drink if it is free of toxic substances. The same is obviously true for a pesticide spray. It is only harmless when all components of that spray mixture have shown themselves to be harmless.

The need for a thorough analysis of potential effects from the use of the pesticide active ingredient and all additives in the full formulation must be provided before an enlightened decision by your agency can be made. All effects must be clearly analyzed and spelled out. CEQA demands it and the public that you serve deserves nothing less.

EFFECTS FROM INSECTICIDE ADDITIVES

Scientific Concern for Addressing the Effects of Full Formulations

B20-7 (cont.)

B20-7 (cont.)

There has been a great deal of scientific interest in recent years for studies analyzing the effects of additives in pesticide full formulations. That the scientific community recognizes the need for this data can be seen from the following quotes.

Oakes and Pollak state that "...inert components, i.e. diesel fuel and surfactants, contributed approximately 50% of the total toxicity of the complete formulations. Hence the results confirm the importance of evaluating the toxicity of complete formulations". The authors of this study concluded that "it is essential to carry out this type of full formulation analysis (Oakes and Pollak 1999).

Another study by Oakes and Pollak has shown "that the toxic effects of Tordon 75,... were caused solely by the proprietary and inert aspect of pesticide use is the

potential toxic hazard posed by surfactant additives in pesticide formulations. Often, where the active constituents of a pesticide are of low toxicity, the additive surfactant components may pose the most significant risk." (Mann and Bidwell, 2001).

Pereira et al found that "except for propiconazole, commercial product solutions were significantly more toxic to Daphnia and *Thamnocephalus* than those prepared with the respective active ingredients" (Pereira et al., 2000).

Morgan et al state that "toxicity to rainbow trout decreases with decreasing surfactant concentration, and that a significant component of the toxicity of Vision is therefore due to the surfactant" (Morgan et al 1996).

Kale et al studied full formulation products because "actual human exposure is due to the mixtures and not due to the active ingredient alone". They credit the full formulation tests as one reason why they found mutagenicity when other tests of just the active ingredient did not (Kale et al 1995).

Formulations Producing Effects

Many pesticide or adjuvant studies analyze the full formulation of a given product. This style of research has both drawbacks and credits. On the negative side, it is often impossible to identify the ingredient (or ingredients) that is causing the most harm. This was especially pronounced in the early days of Round-up and glyphosate analysis. A study

that used the technical grade glyphosate would show limited toxicity while another that used Round-up would show severe toxicity. It wasn't until the surfactant POEA (an ethoxylated substance similar to alkylphenol ethoxylates) was shown to be the culprit that scientists and regulators were able to better understand the data being presented.

Though formulation studies are a drawback if one is interested in a particular component of the formulation, it is also a good indicator of what can be expected in real life situations. Since all pesticide mixes contain a wide variety of substances it is helpful to know the types of effects that can be expected from the full formulation as it would be encountered in the field. As stated above, Kale et al studied the full formulation because "actual human exposure is due to the mixtures and not due to the active ingredient alone".

There are basically two types of data sets encountered in full formulations studies; one concerns formulated products and the other concerns formulated products and its individual components.

Studies of formulated products, the more common, offer a good analysis of what can be expected in field applications. Studies that include analysis of individual substances not only offer a clear picture of expected field conditions, but also an understanding of what ingredient is producing the most significant effects. The following examples highlight these types of studies.

Lin and Garry studied commonly used pesticides and adjuvants in an area of Minnesota that has experienced significant increases in birth defects. They found that the commercial adjuvant products X-77 (alkylaryloxyethylene and other ingredients) and Activate Plus (alkylarylpolyoxyethylene glycols and other ingredients) induced significant cell proliferation at concentrations of 10 ppb to 1 ppm and were 10 to 100 times more toxic at this endpoint than the herbicides 2,4-D, Glyphosate and Roundup (Table 1).

In this study they found that the formulated products of 2,4-D were more toxic than the reagent-grade products and concluded that "other ingredients in the commercial products, presumably adjuvants, could be a factor in these results" (Lin and Garry 2000).

Another study by Oakes and Pollak found that additives produced 50% of the overall toxicity of a pesticide product and that the nonionic surfactant, Tenc 12, was almost twice as toxic as 2,4-T and 2,4-D combined. "The inhibition caused by Tenc 12 (25.4%) was actually higher than that of the active components (14.8%) (Oakes and Pollak 2000).

Studies have also shown that many of the toxic effects produced by the full formulation occur at endpoints that the active ingredient itself does not produce (Pereira et al 2000; Kale, 1995; Mann and Bidwell, 2001; Mann and Bidwell, 2000; Goodwin and McBryde, 1999; Kovama and Goto, 1997).

This fact is highlighted in Pereira et al 2000 and Kale 1995. In Pereira et al, the toxicity of five pesticide active ingredients are compared to their formulated products. Especially noteworthy are Figures 3, 4 and 5 that show full formulations produced 90% to 100% effects while the active ingredients produced no effects or less than 15% effects to the same species. Figures 4 & 5 are studies of insecticide products. Of 24 tests, the formulated product was more toxic than the active ingredient in 19 of the tests. The formulated product was from 4 to 10 times more toxic than the active ingredient in 6 of the tests.

These results show that the full formulations are a) often more toxic than the active ingredients alone and b) that some formulations produce significant toxic effects that are not produced by the active ingredient or are produced in amounts that are toxicologically insignificant. The importance of these findings cannot be overstated. Had this study only analyzed the active ingredient, serious effects would have been overlooked. This clearly shows that current risk assessment processes that ignore effects from additives are not honest evaluations of potential risk (Pereira et al 2000).

In Kale, one of the insecticides listed on page 4-34 of the DEIR, when in formulation, was shown to produce significant effects that the active ingredient does not produce at all. "We find that Ambush is a potent mutagen both in larval spermatocytes and spermatogonia of Drosophila. Ambush contains an active ingredient, permethrin, which has

been reported to be nonmutagenic in Salmonella and also in V79 cells (Kale 1995, page 151)."

A study by Oakes and Pollak has shown similar results, i.e. that effects were produced by an additive and not an active ingredient. This study examined toxicity to mitochondria and sub mitochondrial particles (SMP). The authors of this study state that "The results show that the toxic effects of Torden 75 on SMPs (at the EC50) and intact rat liver mitochondria were not due to any additive or synergistic actions of a mixture of its active and other components, but rather were caused solely by the proprietary surfactant" (Oakes and Pollak 1999).

A recent report was prepared for the National Beekeepers Assoc. of New Zealand in which suspected culprits were surfactants added to the pesticide products at the tank mix stage. In this study, four of the surfactants tested were indeed found to be lethal to bees; Clowntell (alkylarylpolyglycol ether), Boost Penetrant (dimethylcoco copolyol), Pulse Panerett (organosilicone co-polymer) and Ethokem (polyethoxanoxalkyl amine). Three of these additives, Boost Penetrant, Pulse Penetrant and Ethokem, caused mortality when applied at the recommended rate. Two of these, Boost Penetrant and Pulse Penetrant were found to produce 100% mortality at concentrations that were much lower than the recommended rate. Pulse Penetrant caused the highest mortality at the lowest percentage of the recommended rate.

The authors of this study suggested that toxicity was being caused by the surfactants increased penetration of the bees skin. Though this study does not appear to be peer-reviewed, it was produced by a reputable organization, the Horticulture and Food Research Institute of New Zealand (Goodwin and McBryde 1999).

The potential for the PDCP to use pesticides that would be more toxic than the 2,4-D is evident even from the limited information provided in the DEIR. The MSDS for Tempo clearly states that cyfluthrin "is not listed as a carcinogen by the NTP or IARC...however, (this product) may contain crystalline silica (quartz), a substance which is classified by NTP as a Group 2 carcinogen and by IARC as a Group 1 carcinogen" (DEIR page M-17).

The purpose of risk assessment is to identify potential harm caused by any action.

"To ignore harm produced by substances that any state agency will foreseeable use is not the intent of CEQs.

Known Effects From Insecticide Additives

The types of effects generated by insecticide additives cover a wide range. They include extreme acute toxicity, endocrine, neurological and immunological effects, mutagenicity, carcinogenicity, teratogenicity, reproductive and developmental toxicity, cytotoxicity, castogenesis, and cardiovascular effects. Non-adverse health effects and indirect effects include desorption of soil bound pesticides, increasing pesticide mobility, increased dermal penetration of toxic substances in the full formulation and inhibiting biodegradation of toxic substances.

Since the DEIR provides no analysis or direction concerning additives that may be present or used in conjunction with the PDCP, it is impossible for the public to offer comment on specific effects that would be associated with this aspect of the program. The best that can be done is a generalized approach highlighting effects from certain additives that are currently used in similar projects. Since a spreader/sticker (surfactant) is recommended for use with Tempo when used for leafhoppers on hard-to-wet foliage, this type of additive will be the focus of the following analysis.

Acute Toxicity

Acute toxicity is most often expressed as a lethal concentration or lethal dose to

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50% of an individual study group (LC50/LD50). Some studies will use other percentage groupings, most often 5% or 100% of the individual study group. These terms are usually expressed as either 24, 48, 72 or 96 hour exposure periods, though other periods are also used.

Acute toxicity also represents any adverse effect produced in a short time period. The effect does not need to be lethal. Parameters for producing sublethal effects are usually expressed as an effective concentration for 50% of an individual study group (EC50). When a particular effect is being analyzed, it will follow the EC50 designation in parenthesis. For example, the statement "the EC50 (malformations) is 1 m/l" signifies that at the dose of 1 milligram per liter (also called parts per million (ppm)), 50% of the group exhibited malformations.

Surfactants:

To understand the importance of analyzing the acute toxicity of all components of the full formulation, instead of just the individual insecticide active ingredient, one need only look at one of the most commonly used surfactants, nonylphenol ethoxylate (NPE), a member of the APE family. In most cases, as APEs degrade, they become increasingly toxic and persistent. NPE degradates include nonylphenol and nonylphenol mono- and di-ethoxylate. The LC50 values for nonylphenol (NP) for different fish species are 150 to 280 parts per billion (ppb). These values are derived from US EPA report (Rodier D, 1996). Another US EPA study from the National Health and Environmental Effects Research Laboratory also reported acute toxicity LC50 (96hr) values for para-nonylphenol (PNP) in the low parts per billion range. They are 17 ppb for *Pleuronectes americanus*, 37.9 ppb (48-h 50% effective concentration) for *Mulloidia lateralis*, 59.4 ppb for *Paleomystus vulgaris*, 60.6 ppb for *Americanamyia batilla*, 61.6 ppb for *Lepisosteus plumulosus*, 70 ppb for *Menidia beryllina*, 71 ppb for *Hontosius americanus*, 142 ppb for *Cyprinodon variegatus*, and >195 ppb for *Dyspanopius sayi*. As stated in the study, "Values for the seven most sensitive of these species ranged over a factor of only 4.2. The narrow range of responses for PNP implies that exceeding a threshold concentration would endanger a large proportion of the aquatic community" (Lussier SM et al, 2000).

Other reported LC50 values for nonylphenol are 43 ppb for *Mysticetus batilla* (Ward and Boeri 1990), 135 ppb for fathead minnow (Holcombe et al, 1984), 145 ppb for brook trout and 230 ppb for fingerling rainbow trout (Holmes S and Kingsbury PD, 1980). In this last study nonylphenol was applied directly to a forested environment. In an area where water was stagnant, the compound reached a level of 1100 ppb 4 hr after spraying, far exceeding acute toxicity levels.

It is common for APE degradates to exert greater toxicity than APE itself. However, the toxicity of APE before degrading is still greater than the insecticides listed in Appendix M. The LC50s for aquatic organisms range from 710 ppb (*Mysticetus batilla*) to 14 ppb (*Daphnia magna*) (Dickey, 1997).

Though less studied, APEs are also acutely toxic to amphipods. NPEs have been shown to have EC50s for *X. laevis* from 900 ppb (mild narcosis) to 2.7 ppm (full narcosis) (Mann and Bidwell, 2000), and 2.4 ppm to 4.7 ppm (malformations) (Mann and Bidwell, 2000). In this last study, LC50s were found to be 3.6 ppm to 5.7 ppm for *X. laevis*.

Currently, APE surfactants are either banned, restricted or being phased-out in many countries but are still widely manufactured and used within the U.S. Though accepted as acutely toxic and endocrine disruptors by the scientific community, it appears that APE manufacturers continue to have a strong influence on blocking regulation of these toxic substances in this country, as well as allowing down further regulation in other countries. A report released by the American Chemical Society states that, since 1987, the Chemical Manufacturers Association (CMA) "has been fighting European regulatory trends that have reduced APE sales" (Renner, 1997).

Other common nonionic surfactants, alcohol ethoxylates (APE) and alcohol

alkoxylates (AA), have also been shown to be acutely toxic. These types of surfactants are growing in popularity because of concerns about the endocrine disrupting properties of APEs are beginning to glow their use.

The Danish Environmental Protection Agency lists the EC50s of both linear and branched AEs for aquatic organisms other than fish to range from 50 ppb to 50 ppm. The acute toxicity of AE to fish varies with LC50 values from 400 ppb to more than 100 ppm for the linear types and from 250 ppb to 40 ppm for the branched AE. The acute toxicity of AE to aquatic invertebrates varies with EC50 values from 100 ppb to more than 100 ppm for the linear types and from 500 ppb to 50 ppm for the branched types. The toxicity is species specific and may vary between 3 orders of magnitude for the same linear AE (Danish EPA website at www.mst.dk/dkis/).

Kline et al found that the 96-h LC50 values for bluegill, sunfish and fathead minnows were 550 and 770 ppb, respectively (Kline et al 1996).

AEs have also shown themselves to be acutely toxic, as well as teratogenic, to amphibians with an LC50 of 4.59 ppm to *X. laevis* (Cardelli, P and Ormetto, L 2001).

Organosilicone molecules are also important surfactant ingredients used in insecticide formulations. These methylated silicones have been shown to suffocate or disrupt important physiological processes in mites and insects, with reported LC50s of 5.5 to 8.9 ppm (Cowles et al 2000).

Anionic surfactants, though less used in insecticide formulations, have also shown themselves to be more toxic than pesticide active ingredients. Abelgharib found that, for Syndets surfactant, "this chemical additive was much more toxic" than the three pesticides tested with LC50s for *Syndets* of 1.9 ppm for diaigill and 2.3 ppm for catfish. (Abelgharib, et al 1997) <http://ace.orst.edu/info/extoxic/pips/>

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(cont.)

Comparison of Additive and A.I. LC50s

The key to understanding the importance of including full risk assessments for acute toxicity of additives lies in a direct comparison of LC50s noted above to LC50s of the active ingredients listed in Appendix P. The LC50s for carbaryl range from 100 ppm to >2000 ppm, for cyfluthrin they range from 291 ppm to >5000 ppm and for imidacloprid they range from 131 ppm to >5000 ppm.

Non Acute Toxicity

There are many non acute toxic effects produced by insecticide additives. These fall under the headings of subchronic, chronic and nonthreshold effects.

Low-end measurements of subchronic and chronic toxicity (mid and long term effects) are usually expressed as no observed effect concentration (NOEC), lowest observed effect concentration (LOEC), and no observed effect level (NOEL). Chronic toxicity involves exposure over long periods of time, usually two years, and the NOECs or LOECs are usually one to two orders of magnitude less than LC50s.

Nonthreshold effects are those effects that can be initiated from a single exposure to a single molecule (i.e. cancer).

Surfactants

Though not studied as much as lethal and sublethal effects, chronic effects from surfactants are still well characterized in the scientific literature.

The NOECs for nonylphenol are found to be between 3.9 ppb and 50 ppb depending on the species and effect being studied (Talmage, 1994; Dickey, 1996). However, the science involved is not exact and lower NOECs are quite possible (Dickey, 1996 (quoting Sumpter, 1995)).

In a chronic study of developmental effects, exposure to NP at 50 ppb significantly

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increased total fecundity and neonata deformities (Zhang L and Baier KN, 2001) while an EPA study for developmental and reproductive effects found an NOEC and LOEC of 42 and 91 ppb of NP, respectively (Kahn et al., 1997).

Comber et al reported a NOEC for NP of 24 ppb (Comber et al., 1993).

An developmental toxic effects from the surfactants X-77 and Activate Plus is 10 ppb (Lin & Garry, 2000).

For linear alcohol ethoxylates (LAE), LOECs for macroinvertebrates were 160 ppb. Fathead minnow (*Micropterus punctatus* R.) reproduction was significantly reduced at >280 ppb and larval survival decreased significantly at 330 ppb. In this study the NOECs ranged between 80 and 550 ppb (Dorn et al., 1996). Other LOECs are 320 ppb for aquatic Invertebrates (Gillespie, 1998).

Another study found that for LAEs the NOEC for survival and swimming performance of bluegill sunfish and for survival of fathead minnows was 160 ppb (Kline et al. 1996).

Endocrine Disruption

Endocrine disruption is a relatively new field of toxicology that was first recognized as a serious concern in the early 1990's. Numerous substances, including APE's, are known endocrine disruptors, while others are being added daily as research blossoms in this field. The Federal courts have recently upheld the need for risk assessments for this effect on both the a.i. and additives in a pesticide mix.

Numerous substances, including the APE's listed above, are known endocrine disruptors and new substances are being added as the science in this field expands its search.

When addressing the potential for "harm caused by endocrine disrupting substances, the basic paradigm of "toxicity is dose related" does not necessarily apply. Endocrine disruptors have shown that they can operate in a dose-response curve outside this axiom. For endocrine disruptors, "the shape of the dose response curves... may be low-dose linear, threshold appearing or non-monotonic" (NTP, 2001).

A non-monotonic dose response curve (NMDC) is one in which greater effects are seen at lower doses with a lessening of effects as the dose is increased. Some NMDC are shaped like U's, with high responses at low and at high levels of contamination. Others are shaped like inverted U's with the greatest effects in intermediate ranges. The puzzling fact, but observable fact is that low doses may actually cause greater impact than high doses for a specific response.

Another aspect of endocrine disruptors that needs to be considered is that they do not follow the typical timeline of cause and effect. It is not so much the amount or for how long something is exposed to an endocrine disruptor, but when it is exposed. The following is from Calborn et al. "(1) the effects 1) may be manifested in an entirely different way, and with permanent consequences. In the early embryo, fetus, and neonate from effects as a result of exposure, only in adulthood; 2) can change the course of development and potential offspring, with the outcome depending on a specific developmental period(s) of exposure; and 3) are often delayed and thus may not be fully or obviously expressed until the offspring reaches maturity or even middle age, even though critical exposure occurred during early embryonic, fetal or neonatal life" (Calborn et al. 1993).

Another study presented it as, "...there are an infinite number of windows of time during embryonic and the early postnatal period when disruption can take place, each leading to potentially different changes in an individual's course of development and behavior. Response to exposure is unpredictable because the process of development is so delicate and complex," (Calborn et al., 1995).

Lee et al found that there is a critical period of vulnerability to NP during male reproductive development in the neonatal stage. Changes were found when NPs were given to male pups before 1.3 d of age, but not when given at > or =1.3 of age. NP acts on the male reproductive tissues through the estrogen receptor (Lee 1998).

Concerning other studies that have addressed the endocrine disrupting properties of APE's and its degradates, it has been shown that extremely low doses of these chemicals can produce significant effects. Jobling found estrogenic activity in male rainbow trout exposed to 20 micrograms NP/litter. Other NPE biodegradation intermediates (NP22, NP2C1) exhibited estrogenic activity at 30 micrograms/litter (Jobling et al 1996).

Another study found that "nonylphenol (NP) produced effects on 'fathead minnows at concentrations from 0.05 to 3.4mg NP/L for 42 days, considerably below all previous effect doses. Effects described were for egg production, plasma vitellogenin and plasma E2. Exposure to NP caused a 9-fold increase in the plasma concentration of E2 suggesting that the effects of NP are due to indirect effects on E2 rather than NP itself" (Geary 1999).

A recent study by de Jager et al stated that, "There is growing concern that abnormalities in male reproductive health are becoming more frequent. The most fundamental change has been the striking decline in sperm counts and semen quality. The effect of maternal exposure of rats to the estrogenic environmental substance p-nonylphenol (p-NP) was determined in this study. Exposure to p-NP for the experimental period impaired general growth. The lower testicular mass indicated a direct toxic effect on the testes in animals exposed to p-NP during foetal life, the postnatal period and after weaning until termination at 10 weeks of age. The epididymal mass was also negatively affected by p-NP; this was supported by the decrease in the epididymal ratio. The total cauda epididymal sperm count was significantly lower in the 250 mg kg-1 p-NP dosage group compared to the control and 100 mg kg-1 p-NP groups. The overall lower sperm count with increased p-NP concentrations corresponded with the decreased testicular and epididymal masses. This emphasized the toxicity of p-NP on both testis and epididymis. Seminal vesicle diameter, lumen diameter, and seminiferous epithelium thickness were smaller in the exposed groups, even at the low dose level" (de Jager et al 1999).

In vivo experiments determining sexual differentiation of *Xenopus laevis* found significant effects from 4-nonylphenol at concentrations only ten times greater than E2. (Kandas 1999)

Shurin found that production of resting eggs and female offspring were affected by exposure to nonylphenol and that "nonylphenol also produced a characteristic developmental abnormality at environmentally relevant concentrations" (Shurin et al. 1997). APE's and their degradates have also shown that they can persist for long periods of time in the environment. Maguire found that half-lives of nonylphenol metabolites to be 28 to 104 days and stated, "Further research on the persistence in natural environments of the lower ethoxylate and carboxylate degradation products, as well as nonylphenol, is necessary. Based on the limited data available, nonylphenol and the lower ethoxylates and carboxylates are persistent in groundwater" (Maguire 1999).

As these chemicals degrade and the ethoxylate chain shortens, there persistence increases. There is great concern with this fact. Since the shorter chain ethoxylates are also more toxic, this would then mean that both toxicity and persistence are increasing in direct proportion to each other.

Another recent study showed a direct relationship between nonylphenol and impacts to fish with effects that didn't show up until other environmental factors were introduced. When British studies linked ambient nonylphenol pollution to reproductive problems in fish, Wayne L. Fairchild of Canada's Department of Fisheries and Oceans became concerned. He recalled that an insecticide used on local forests for more than a decade had contained large amounts of nonylphenols. To probe for effects of forest spraying, Fairchild and his colleagues surveyed more than a decade of river-by-river data on fish. They overlaid these numbers with archival data on spraying with Matacil 1.8D or either of two nonylphenol-free pesticides. One contained the same active ingredient, anilincarb, as Matacil 1.8D does. Most of the lowest adult salmon counts between 1973 and 1990 occurred in rivers where smolts would earlier have encountered runoff of Matacil 1.8D, the nonylphenol faced pesticide. No population declines were associated with the other two pesticides.

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The researchers then exposed smolts in the laboratory to various nonylphenol concentrations. The fish remained healthy until they entered salt water, at which point they exhibited a failure-to-thrive syndrome. "They looked like they were starving," Fairchild said. Within 2 months, he notes, 20 to 30 percent died. Untreated smolts adjusted normally to salt water and fattened up (Fairchild et al 1999).

Steffen S. Madsen, a fish physiologist at Odense University in Denmark, is not surprised, based on his own experiments. To move from fresh water to the sea, a fish must undergo major hormonal changes to adapt it for pumping out excess salt. A female preparing to spawn in fresh water must undergo the opposite change. Since estrogen triggers her adaptation, Madsen and a colleague decided to test how smolts would respond to estrogen or nonylphenol, an estrogen mimic. In the lab, they periodically injected salmon smolts with estrogen or nonylphenol over 30 days, and at various points placed them in seawater for 24 hours. Salt in the fish's blood skyrocketed during the day-long trials, unlike salt in untreated smolts. "Our preliminary evidence indicates that natural and environmental estrogens screw up the pituitary," Madsen says.

These studies are only the tip of the iceberg of data showing harm from APE products and their metabolites to the endocrine system. The issue of endocrine disruption is so complex, the science so new and the body of literature so incomplete that we are only just beginning to understand the implications to human and ecological health and how to include this data into risk assessment.

Indirect Effects

Significant effects also produced by pesticide additives but not considered direct effects include increasing dermal penetration of other toxic substances, desorption of soil bound pesticides, increasing pesticide mobility and inhibiting biodegradation of toxic substances.

Increased Dermal Penetration

Though there has been confusing and sometimes conflicting results in this field of study, there is enough data to raise significant concerns concerning the potential of additives to act as transports across skin barriers for both themselves and other toxic substances (Walters et al 1993; Wu et al 1996).

Sartorelli et al studied the dermal penetration of a pesticide active ingredient and its full formulation and found that in vitro skin penetration was significantly higher with the commercial formulation. The percentage of the applied dose absorbed after 24 hours was 5.20% for the commercial formulation versus 1.35% for the active ingredient alone. The authors concluded that "(c) assessments of uptake and internal dose after exposure to pesticides should be based on the commercial products rather than active ingredients, because of the crucial role of the vehicle, as shown in this study" (Sartorelli et al 1997).

"Given the available information regarding chemical composition and mode of action, it is possible that adjuvants may enhance toxicity of pesticides by increasing dermal penetration of the pesticide" (Lin and Garry 2000).

"Their [pesticide active ingredient] formulation in emulsifiable concentrate may have contributed to this fact, due to the presence of organic solvents and surfactants, that could increase absorption of the a.i. by the organism" (Peraira et al 2000).

Increased dermal penetration of the surfactant itself, as well as the pesticide by the surfactant, is suspected in the deaths of bees in New Zealand as studied by Goodwin and McBryde. The authors theorize that the surfactants allow penetration past body hairs and into the trachea, producing death. They reference a surfactants label that states that "The product will rapidly penetrate waxy, water repellent cuticles of insects". This study also theorizes that the mode of action could be suffocation as the surfactants form an impenetrable shield around the bees body. (Goodwin and McBryde, 1999)

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It has long been known in the scientific and medical professions that surfactants aid in dermal penetration and have been used as vehicle transports for many years to deliver medications across skin barriers. This same effect would be deleterious when the transported agent is a toxic substance like pesticide active ingredients and additives. Surfactants have also shown that the old reference levels for pesticide dermal penetration of 2% and 10% no longer apply. Surfactants have been shown to produce penetration up to 50% of the applied surfactant (Dryman 1980) (Danish EPA website).

Description of Soil Bound Pesticides and Increasing Pesticide Mobility

Studies have shown that additives possess the ability to cause toxic substances to detach from soil (Tiehm, 1994; Tiehm et al 1997; Iglesias-Jimenez E et al 1997). This has been especially pronounced with surfactants, where studies have been conducted to find compounds that will help bioremediation of already contaminated sites. Surfactants are highly successful at causing soil contaminants, especially those that are hydrophobic, to detach from their soil bond and become mobile. For contaminated sites this has the beneficial effect of removing toxic substances and possibly promoting biodegradation.

When addressing the effects of desorption in the context of an herbicide spray project, this effect of desorption becomes a significant negative effect because it increases the mobility of toxic substances and the threat of these substances entering either surface or ground water.

There have been many studies conducted that use surfactants in combination with hydrocarbons and other soil contaminants. A recent study showed that a nonionic surfactant enhanced the initial desorption rate of dibenzofuran by a factor of 2 (Garcia et al 2001). There have been, however, few studies that address the desorption of herbicides. Two studies that did address the desorption of herbicides found that soil organic matter (OM) or organic content (OC) played a crucial role in allowing desorption to occur. Since much of the QSG project area has high OM values, this effect could be pronounced.

When the nonionic surfactant X-77 was added to a sulfonylurea herbicide, the desorption would increase. In a low OC soil, but caused significant desorption in a soil with 1.7% OC. (Weikheiser and Anderson, 1996).

Another study found that with the addition of an anionic surfactant, sodium dodecyl sulfate (SDS), atrazine desorption increased significantly with increasing levels of OM (Sanchez-Camazano et al 2000).

Inhibiting Biodegradation of Toxic Substances

Another concern regarding additives is that they have shown that they can slow the degradation of a pesticide or other toxic substance. Though there are studies that date back over thirty years regarding this effect, most research has occurred in the last ten years. It is a growing body of data that needs assessing by regulatory agencies for its potential effect on soil health, water contamination and impacts to soil and aquatic organisms.

The usual causes of this inhibitory effect can be from either microbial toxicity of the additive, the additive being preferred as a growth substrate or when surfactant concentrations resulted in micellization. Other causes can also be involved.

Laplanche et al found that the presence of anionic or cationic surfactants totally inhibited the degradation of an organophosphorus pesticide (Laplanche et al 1981). Ayelle et al found that all three major types of surfactants (cationic, anionic, and nonionic) inhibited degradation of atrazine (Ayelle J et al, 1995). In a study mentioned above that showed pronounced desorption caused by a nonionic surfactant, Garcia et al also found that the nonionic surfactant slowed the initial biodegradation rate of dibenzofuran, though increasing it at a later stage. The authors believe that the surfactant forms a barrier between the bacteria and toxic substance (Garcia et al 2001). Tiehm et al demonstrated

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that the rapid degradation of a nonionic alkylphenol ethoxylate surfactant, Arkopal N-300, resulted in a lack of oxygen which in turn caused an inhibition of PAH degradation [Tiehm et al. 1997].

In another study Tiehm found that nonionic surfactants of the alkyl ethoxylate type and the alkylphenol ethoxylate type with an average ethoxylate chain length of 9 to 12 monomers were toxic to both Mycobacterium and mixed cultures which in turn inhibited degradation of other toxic substances [Tiehm 1994].

That additives are preferred as a growth substrate was also demonstrated by Tiehm where the anionic surfactant was shown to inhibit degradation of toxic substances because this surfactant was preferred as growth substrate [Tiehm 1984].

An example of surfactant concentrations inhibiting mineralization due to micellization (expressed as the critical micellar concentration (CMC)) was shown by Bramwell and Laha who found in liquid cultures that "at higher surfactant concentrations (>CMC) all surfactants were seen to be inhibitory". It should be noted that this study also found that in soil-water systems, mineralization was decreased even at surfactant doses that did not exceed the CMC [Bramwell and Laha 2000].

Another study found that Triton X-100 (TX-100), a nonionic alkylphenol ethoxylate, was significantly inhibitory to degradation of atrazine and coumarophos while showing both negative and positive effects to the degradation of trifluralin. The extent of inhibition to atrazine and coumarophos degradation increased with increasing doses of TX-100 and was only inhibitory to coumarophos above the CMC. At the highest concentration of TX-100, atrazine degradation in aqueous phase dropped from 34% to 13% and in soil slurries from 45% to 7% [Mato-Sandoval et al 2001].

Another study found that "In the presence of surfactants at concentrations that resulted in aqueous-phase cmc or micelle formation, the mineralization of [¹⁴C]phenanthrene was substantially inhibited" [Laha and Luthy, 1991].

Conclusion

Data clearly show that additives to the pesticide full formulation are often more toxic than the active ingredients. This level of toxicity is often on an order of magnitudes 2 to 3 times greater than the toxicity of the active ingredient. Because of this fact, any level of safety associated with the a.i. could easily be violated with the addition of additives in the mix. This would render the protocol of use ~~safe~~, when there is a "reasonable assurance of no harm under proposed use conditions" as meaningless if these potential effects are not adequately analyzed at this stage of the program.

This situation must be remedied by the CDFA. To not include the toxicity of additives that could be used in this project is not the intent of CEQA. What is the intent of CEQA is fostering sound decision making while allowing the public the ability to understand and comment on how those decisions are made. This is impossible to accomplish if at the same time the CDFA is turning a blind eye to serious negative effects caused by their use of toxic substances in the pesticide full formulation.

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Environmental Investigator

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B20-7
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B20-7 (cont.)

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LETTER B20: DAN ZIMMERMAN, SIERRANS FOR SAFE PASSAGE

<p style="text-align: right;">18</p> <p>Pereira, T.; Espinola-Santos, J.; 2000, Use of microdishes to compare the toxicity of water samples fortified with active ingredients and formulated pesticides, <i>Environmental Toxicology and Technology</i>, July 1997 (http://pubs.acs.org/doi/abs/10.1002/et.1001)</p> <p>Renier, R.; 1997, European Data on Surfactant-Based Transdermic Delays, <i>Environmental Science and Technology</i>, July 1997 (http://pubs.acs.org/doi/abs/10.1002/et.1001)</p> <p>Rodier, D., F.M.-1 Document for para-oxonol(R), US Environmental Protection Agency, 1995, CSRAD, Washington DC</p> <p>Sánchez-Camazano M., Sánchez-Martín M., Rodríguez-Cruz M.S., 2000, Sodium dodecyl sulphate: enhanced desorption of atrazine: effect of surfactant concentration and of organic matter. <i>Contamin. Soil Environ.</i> 2000 Oct;41(6):1301-5</p> <p>Sartorelli P et al 1997, In vitro dermal penetration of methyl-beta-cyclodextrin from a commercial formulation through the human skin. <i>Occupational and Environmental Medicine</i>; 54 (7). 1997. 524-525.</p> <p>Sheehan DM, Willingham E, Gaynor D, Bergeron JM, Crews D.1999, No threshold dose for estradiol-induced sex reversal of turtle anurodervos: how little is too much? <i>Environ Health Perspect</i>; VOL 107, ISS 2, P155-9</p> <p>Shurin J et al 1997, Sublethal toxic effects of cyanobacteria and nonylphenol on environmental sex determination and development in Daphnia. <i>Environ Toxicol Chem</i> 1997 Jun;16(6):1269-76</p> <p>Tietm et al. 1997. Surfactant-enhanced mobilization and biodegradation of polycyclic aromatic hydrocarbons in manufactured gas plant soil. <i>Environmental Science & Technology</i>; 31 (9). 1997. 2570-2576.</p> <p>Tietm A., 1994, Degradation of polycyclic aromatic hydrocarbons in the presence of synthetic surfactants. <i>Appl Environ Microbiol</i> 1994 Jan;60(1):258-63</p> <p>Walters et al., 1993, The effects of surfactants on penetration across the skin. <i>International Journal of Cosmetic Science</i>, 15, 260-270, (1993)</p> <p>Wertheimer WO and Anderson SJ, 1996, Effect of soil disorders and surfactant on armitumuron sorption. <i>JOURNAL OF ENVIRONMENTAL QUALITY</i>; 25 (4). 1996. 809-814.</p> <p>Wu et al., 1996, In vitro dermal absorption of camptothecin through excised rabbit skin. <i>Int. J. Pharm.</i>, 143, 119-123, (1996)</p> <p>Zhang L and Baer KN, 2001, The effects of 4-nonylphenol on reproduction and embryo development in <i>Daphnia magna</i>. <i>Toxicologist</i> 2001 Mar; 30(1):163</p>	<p>B20-1 Because the commenter describes this letter as the “corrected copy,” CDFA did not include the first “faxed copy” sent 5/17/02 in this document or respond to the comments in that copy.</p>	<p>B20-2 This comment serves as the introductory paragraph to the letter. Responses to specific comments on the Draft EIR are provided for comments B20-2 through B20-7 below.</p>	<p>B20-3 See Master Response 2.</p>	<p>B20-4 The commenter oversimplifies the cumulative analysis provided in the Draft EIR. Chapter 7 evaluates the potential cumulative effects of the proposed PDCP. The analysis includes evaluating the potential exposure to multiple applications of one pesticide and exposure to multiple pesticides in combination resulting from the implementation of the PDCP in combination with other programs and projects, including the past, present, and anticipated future use of pesticides by other state and local jurisdiction and private growers and homeowners. Appendix P of the Draft EIR provides an analysis of the cumulative or synergistic effects associated with use of pesticide chemicals as part of the PDCP.</p>	<p>B20-7 (cont.)</p>	<p>Chapter 7 of the Draft EIR provides information on the analysis conducted during the CDPR registration process, label restrictions on use of pesticide products, federal and state laws and regulations in place to ensure human exposure to multiple pesticides would not result in adverse human health impacts, and CDPR statewide and PDCP-specific monitoring programs. Also see Master Response 6.</p>	<p>B20-5 See Master Responses 1 and 2.</p>
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B20-6 The precautionary statement concerning bees is included on the carbaryl label to warn users of the material's potential toxicity to bees, and thereby prevent significant losses from occurring. Applications can still be made without risking significant loss, provided the plants treated are not hosting large numbers of bees at the time of application or soon thereafter. If necessary, the day or time of treatment can be adjusted to ensure local bee populations receive appropriate levels of protection.

B20-7 See Master Response 2. The majority of the comment pertains to pesticide products in general and not to the PDCP and program attributes. The Draft EIR addresses pesticide use for the program only, not the general use of pesticides. As an example, a discussion of surfactants is offered by the commenter as a material that may enhance toxicity of a product. Surfactants that allow a pesticide chemical to penetrate the waxy outer surface of an insect, and thereby enhance the effectiveness, or toxicity, to the insect, do not affect toxicity in mammals that do not have a waxy protective outer surface. This does not require individual program analysis. Pesticide regulatory agencies are responsible for product approvals, including the use of adjuvant and additives. Any affect these materials may have on toxic potentials are determined prior to permitting use.

As discussed in the Draft EIR, the use of pesticides as proposed for the program would not lead to significant environmental impacts. This is not the same as finding that the products themselves have no potential to cause adverse environmental impacts if misused or used under other circumstances or conditions. It depends on how they are used and the amount. As noted in the Draft EIR, Appendix P, “toxicity is dose related.” The commenter also includes considerable discussion on fish and aquatic toxicity of additives and adjuvant. The PDCP does not involve application to aquatic environments. Application measures

include care to minimize potential runoff into water bodies, especially those that could support aquatic life. A discussion of endocrine disruption by chemicals is not pertinent to the PDCP.

**LETTER
B21**

Ad Hoc Committee for Sustainable Agriculture

P. O. Box 484, Occidental, Ca. 95465 707 874-3855 ph./FAX

1 of 3

Dear Sirs:

Please replace the letter you already received with this one.
I added a bit more. Also the newspaper article

Thank you

Ben Meany

B21-1

Comments on the Pierce's Disease Control Program EIR

B21-2

1. We support an alternative control program;
2. Assert there is no legitimate rationale or basis to spray toxins on non-vineyard public or private properties to control the disease or the vector;
3. Assert that significant adverse impacts remain unmitigated.

Our affiliate organization, the Ad Hoc Committee for Clean Water was a member of the Pierce's Disease/GWSS Environmental Task Force and worked tirelessly to advocate for an Environmental Impact Report. Thank-you for developing the EIR and providing the opportunity to comment. However, this EIR, in spite of inadequacies, presents adequate evidence to develop an alternative plan to control the disease, an alternative that should have emerged based on the available evidence, and an alternative that is omitted or given scant consideration.

The Goal:

"The overall goal...is to minimize the statewide impact of Pierce's Disease and glassy-winged sharpshooter". It is not to special assist private vineyard owners in planting maximum acreages of the currently popular but "highly susceptible" varietals pinot noir and chardonnay in California. That is the work of private advocacy groups, vineyard associations and Chambers of Commerce. The role of CDFA is certainly to promote agriculture in general and to aid in combating crop diseases. But it must not be to allow, encourage or ignore the fact that vineyard owners and managers are electing to plant highly susceptible varietals in Pierce's Disease areas, adjacent to known and established populations of problem insects, in barren soils, under natural and induced vine stress, and then crying about adverse consequences.

Our Preferred Alternative Plan: Stop planting highly susceptible varieties in PD and GWSS infested areas. It is creating a public nuisance, endangering other crops and exacerbating the spread of Xf bacteria. Such planting causes increased use of broad-spectrum pesticides which creates a multitude of other problems — an infamous pesticide treadmill as predators are killed, other pests enhanced and the target pests themselves stimulated to reproduce more rapidly (hormoligosis). This adverse impact will be widespread throughout California since the plan is not to spray the vines, but to spray nursery stock and private and public properties throughout the state in an attempt to control spread of an insect. This unnecessary impact of toxins has not been mitigated whereas the simplest mitigation is not to spread the cultivation of susceptible varietals.

Evidence from the EIR in support of our alternative: graph 3-3 and page 3-6: Chardonnay and pinot noir are "most susceptible" and "can die the year they become infected". The "explosion" in acreage of pinot noir and chardonnay in the last few years can easily account therefore, for the "explosion" of PD related vine failure. In other words, switch to or plant new acreage of highly

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susceptible varieties and vines die where vines did not die before. **The solution?** Switch back to grapes that can survive or plant something else.

"Ten-year old Chelan Blanc or Ruby Cabernet vines can live with chronic infections for several years though they will not bear a full crop." What is a "full crop"? How much crop is enough crop? Is a "full crop" the amount of crop that yields a high enough return on investment to satisfy bankers and venture capitalists? A "full crop" is a hypothetical number that varies according to a crop planted in a pest-free area? Plant in a PD area and your yield goes down. What's wrong with that? Nothing. Is it the job of CDFA to increase the yield of such acreage by imposing chemicals on the general public or by making impositions on other sectors of the agricultural or commercial economy? Absolutely not.

Maximize the yield per acre of the wine industry in a PD area by advocating spraying of public and private properties with toxic chemicals? It appears to us that the CDFA PD/GWSS control plan is to make the entire state of California available to plant whatever whenever wherever and then use CDFA resources and personnel to make the square peg vines fit into a round hole and in the process increase the use of toxins throughout the State. If susceptible vines are planted in a disease-prone area, the grower must do *so at his own risk* and must use appropriate precautions like pruning, buffer zones to concentrations of insects and bacteria, burning cuttings, cleaning pruning shears, etc. These sensible *precautions* must be part of any disease-control plan long before inflicting toxins on properties outside the vineyards in question.

California law says we must prevent the further degradation of an already degraded environment. There is no debate that imidacloprid is highly toxic to honeybees and that carbamate and chlorpyrifos kill beneficial insects and food for insectivorous species. Therefore the environmentally superior choice is simple -- stop planting vulnerable varieties in PD prone areas and promote other types of agriculture.

The GLUT:

Please note ironically, that recent headlines in the Press Democrat (Friday, May 10, 2002) announced that the "vineyard boom is over" -- then there is a *gush* of grapes, a drastic drop in price already and more collapse predicted. "Gush", means by implication that there is over-planting in PD areas. It is unconscionable and, we believe, degradation of our environment in violation of environmental law and a fair code of ethics to knowingly further degrade the environment, lose beneficial insects, and subject the public to *nitro-toxins for grapes that have no market and that may never be sold*, for vineyards that may be out of business in a few years. Say thank you to the Xf and the GWSS for keeping areas off limits from grapes since vineyardists don't seem to be able to self-limit to avoid over-planting. Associated pressures by the wine lobby to spray the public so they can overplant in unsuitable areas should be resisted vigorously for public health, environmental as well as for sensible land-use reasons.

B21-5

Lack of evidence to refute our reasonable assertions:
The EIR is replete with unsubstantiated assertions: ex: "Infected dormant cuttings are normally short-lived"; The evidence? "[The GWSS] ...has also been shown to feed on vines in the winter in Temecula..." We have seen the video that purports to show this and it shows GWSS on vines excreting. There is no evidence that they are actually feeding on the woody stems. We have asked repeatedly how an insect with "sucking" mouthparts succeeds in biting through a woody stem and have not received an adequate answer.

In short, as stated in the attached, we believe there has been inadequate study of the more likely means of transmission (infected vines in the propagation process) pruning shears and most of all putting susceptible vines where they do not belong.

Vine management practices:

We suggest that planting susceptible vines in degraded granite, with virtually no topsoil causes conditions that may be appear to be "Pierce's Disease" or may so weaken the vines that they contract Pierce's Disease. Stressing the vines further by abruptly denying water in early July may cause complete collapse of its vascular system.

Contrary to the EIR, there is evidence for this in Vineyards in Temecula! We have presented such information before including the attached pictures showing healthy vines (young and mature), planted in the shade of citrus groves with no evident problems. Look at the pictures and see for vines next to citrus trees? Didn't the managers anticipate problems? Maybe there is *no problem*. Think of that! And why are older vines next to citrus trees *not* diseased and dying? In other words why are vines closest to the citrus (which harbor billions of GWSS) OK, and the "diseased" ones, by contrast located on the tops of the hills where the topsoil is eroded away and virtually non-existent?

We say the focus on the GWSS is misdirected.

Increase in reservoir of Xf:

By planting vines susceptible to Xf bacteria, we are allowing the Xf to have a field day in vines in the expanded acreage, and to enjoy a *bacterial population explosion*. While we destroy habitat for bees by using poisonous pesticides over a huge part of their ranges; destroy cedar warwings by granting permits to grapegrowers to shoot them during fall migrations; we are ironically expanding habitat for Xf a *vine pathogen*. The project under study, allows continued planting of susceptible vines in "bacterial and insect infested" areas but does *not* study the potential adverse impact of this expansion of Xf and GWSS reproductive habitat that builds a reservoir of both insect pests and pathogenic bacteria in our State. In fact, the huge and continuous worts of grapes allows for maximizing mutations and cloning by *the bacteria and insects* themselves so as to make super bacteria and bugs that are even more resistant to pesticides.

Sincerely,
Ann Maurice

B21-3
(cont.)

B21-4

LETTER B21: ANN MAURICE, AD HOC COMMITTEE FOR SUSTAINABLE AGRICULTURE

- B21-1 CDFA has replaced the commenter's first letter with this one, as requested. CDFA did not include the first letter in this document or respond to the comments in that letter. The articles and other materials submitted by the commenter were not written specifically to comment on the Draft EIR and have not been reproduced in this document. The documents submitted by the commenter are included as part of the administrative record. See Chapter 6 of this document for a list of all documents submitted during the public review period.
- B21-2 1. The alternative control program supported by the commenter is addressed in response to comment B21-3.
- B21-2 2. Comment noted.
- B21-3 3. The commenter does not specify what potential impacts she feels were overlooked in the Draft EIR. See Master Response 11.
- B21-4 There are no cultivars of *Vitis vinifera* that are tolerant of Pierce's disease. As noted on page 8-3 of the Draft EIR, some varieties die more slowly than others, but they still die. See Master Response 7.
- B21-4 See Master Responses 10 and 11.
- B21-5 As stated on page 8-6 of the Draft EIR, "It has not been shown that transmission of Pierce's disease from infected cuttings or buds is a significant factor in the spread of *Xylella fastidiosa*. Pierce (1892), and Goheen and Hopkins (1988) noted that infected cuttings or buds do not survive long enough to have vectors transmit the pathogen to uninfected plants."
- B21-6 The mouth-parts of a leafhopper like glassy-winged sharpshooter have cutting "teeth" at the ends of the stylets, much like those of mosquitoes. These are used to cut through plant tissues to get to the tissues on which the insect feeds.
- B21-7 See responses to comments B21-5 and B21-6 and page 8-5 of the Draft EIR.
- B21-8 As noted in Appendix B of the Draft EIR (see page B-13), the damage caused by Pierce's disease was not uniformly distributed throughout the area. There were pockets of dead vines, areas of infected vines not showing symptoms and areas of uninfected vines. No one familiar with the situation disputes the extensive loss of vines in Temecula. The individual actions of private growers are outside the scope of the EIR.
- B21-9 As noted in the Draft EIR, the pathogen is found in a wide range of plants throughout California. The commenter states that "planting susceptible" grapes will increase the problem. Virtually all grape acreage in the state is at risk. Table 3-3 of the Draft EIR gives information on the relative susceptibility of grape varieties to Pierce's disease. Although there are differences in susceptibility, no *Vitis vinifera*-type grapevines are considered tolerant or resistant to Pierce's disease. CDFA sees no connection between shooting cedar waxwings and Pierce's disease.

**LETTER
B22**
LETTER B22:
**LOWELL DOWNEY, PEOPLE OPPOSED TO
INSECTICIDE SPRAYING ON NEIGHBORHOODS**

HR 6 LURRY
Fax: 707-257-1156

May 24 10:42:58

F.02

**PEOPLE OPPOSED TO INSECTICIDE SPRAYING
ON NEIGHBORHOODS**

May 23, 2002

Ms. Susan Stratton, Ph.D.
Department of General Services
Real Estate Services Division
P.O. Box 989052
West Sacramento, CA 95798-9052

Dear Ms. Stratton:

If possible, I would like to request that the organization listed below be added to our response to the Draft EIR.

Marin Beyond Pesticides Coalition
Attn: Virginia Saunders-Mason
10 Ash Avenue
Kentfield, CA, 94904

I left two messages on your phone requesting some notification that our response to the draft has been received. When can we expect to receive that notification?

Thank you for your time and attention.

Regards,

Lowell Downey
POISON

B22-1 The addition of Marin Beyond Pesticides Coalition as a signatory to Letter B-16 is noted.

1225 Division Street, Napa, CA 94559
Phone: 707-251-8919 • E-Mail: noforces@spraying@stol.com

MAY-24-2002 15:55

707 257 1156

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P. 22

LETTER C1

LETTER C1: TINA UNTERBERGER

C1-1 See Master Responses 2 and 3.

**Notice of Availability
of a Draft Environmental Impact Report for
Pierce's Disease Control Program
California Department of Food and Agriculture**

WHAT IS BEING PLANNED: The California Department of Food and Agriculture (CDFA) has prepared an environmental impact statement (EIS) of the proposed Pierce's Disease Control Program. The Pierce's Disease Control Program is a proposed state-wide, coordinated, multi-agency response to Pierce's Disease. The Pierce's Disease Control Program will have the responsibility for local implementation of the program, with coordination by CDFA. The proposed program will have five central elements: public outreach, statewide surveys, contain the spread, local management and rapid response, and research. The proposed program will be evaluated in this EIS as an extension of an ongoing emergency program and regulations mandated by the California State Legislature to control Pierce's disease and the glassy-winged sharpshooter.

WHY THIS AD: This notice is to inform you that the California Department of Food and Agriculture has prepared a Draft Environmental Impact Report (Draft EIR), which describes the potential environmental impacts of the proposed project. Our studies did not identify any impacts that could not be avoided or mitigated.

WHAT IS AVAILABLE: You can review the Draft EIR, appendices and all documents referenced in the EIR at the California Department of Food and Agriculture office, 1220 N Street Room A-316, Sacramento (Contact: Jim Rane, 916-531-9371) on weekdays from 8 a.m. to 4:30 p.m. Copies of the Draft EIR and appendices will also be available for review at the following locations: main branches of all County Librarians, City and County Planning Departments, and the Dept. of General Services, Environmental Services Section, 707 Third Street, 3rd Floor, West Sacramento (Contact: Susan Stratton, 916-376-1610).

WHERE TO COME IN: Do you have information that should be included? Do you agree with the findings? Your comments will be part of the public record. If you wish to comment on the Draft EIR, you may submit written comments from March 17, 2002 until May 29, 2002 to Susan Stratton, Sr. Environmental Planner, Dept. of General Services, Real Estate Services Division, Professional Services Branch, P.O. Box 989042, West Sacramento, CA 95798-9042.

WHEN AND WHERE: Public meetings will be held as follows:

City: Sacramento
Date: April 24, 2002
Time: 6 p.m. to 8 p.m.
Location: Large Conference Room
4137 Branch Center Road
Sacramento, CA

City: Riverside
Date: April 25, 2002
Time: 6 p.m. to 8 p.m.
Location: County Administrative Center, Room 13 (basement)
4080 Loma Street
Riverside, CA

City: Tulare
Date: April 30, 2002
Time: 6 p.m. to 8 p.m.
Location: Tulare County Agricultural Building, Auditorium
4417 S. Lakeside
Tulare, CA

City: San Luis Obispo
Date: April 30, 2002
Time: 6 p.m. to 8 p.m.
Location: San Luis Obispo
575 Third Street
Napa, CA

City: Santa Barbara
Date: April 30, 2002
Time: 6 p.m. to 8 p.m.
Location: Santa Barbara City Hall
801 Grand Avenue
Santa Barbara, CA

You may contact Jim Rane at 916-531-9371 or Susan Stratton at 916-376-1610 for specific meeting information. Meeting information will also be posted on the CDFA website at www.cdfa.ca.gov/diseases/. Individuals who require special accommodation are requested to contact Jim Rane at 916-531-9371 or Susan Stratton at 916-376-1610 at least 10 days prior to the scheduled meeting date. CDFA is a state agency and does not discriminate on the basis of race, color, national origin, gender, age, disability, or any other protected class. California's Department of Food and Agriculture staff, California's Department of General Services staff and the environmental consultants (EDD/W, Inc.) who prepared the report will be present. Comments made at the public meeting will be recorded and transcribed. All substantive comments on environmental issues will be addressed in the Final EIR.

CONTACT: For more information about this project, please contact Susan Stratton, Sr. Environmental Planner at 916-376-1610, Fax 916-376-1666, Department of General Services, Real Estate Services Division.

I have had long time out of California, but by because I became chemically injured and completely disabled by exposure to pesticides and herbicides. I am formally opposed to any spraying program in California. California is my native state and I was forced to move by my disability. The State of California is being ruled by the hands of politicians and herbicides used yearly. Pesticides and herbicides damage the soil, air and water and lead to destruction of animal and human life. Sincerely, Tina Unterberger

C1-1

LETTER C2

LETTER C2: NELS WORDEN

C2-1	C2-1	CDFA thanks the commenter for pointing out the error on page 4-37 of the Draft EIR. The CDPR interim health screening level for acute inhalation exposure to carbaryl is 51.7 µg/m ³ (micro grams per cubic meter), as shown in Appendix S of the Draft EIR. Page 4-37 has been revised in Chapter 5 of this document to respond to this comment.
C2-2	C2-2	See Master Response 2.
C2-3	C2-3	See Master Response 6. No significant adverse interactions have been demonstrated when these chemicals are released into the urban environment, and no cumulative or chronic impacts are identified.
C2-4	C2-4	The commenter does not provide context for this comment. It is unclear how a broken window or a car's paint job should be considered a potential environmental impact of the PDCP and thus analyzed in the Draft EIR. Chapter 5.2 of the Draft EIR describes potential health hazards associated with the proposed PDCP related to the use of pesticides. All of the potential environmental impacts to human health were found to be less than significant.
C2-5	C2-5	Comment noted.
C2-6	C2-6	California Food and Agricultural Code Section 6046(i) requires that CDFA annually report to the Legislature on its progress in combating Pierce's disease and its vectors in California. Consequently, the commenter's suggestion for an annual report on program effectiveness is already being met. Future supplemental environmental review is addressed on page 1-11 of the Draft EIR, which states that, as required by Section 15162 (a)(2) of the State CEQA Guidelines, supplemental environmental review would be required if substantial

Comments to the Pierce's Disease Control Program April 29, 2002 -- Napa

"I don't want to pop this Death Star. I mean this Draft EIR by exploiting this one typo, chapter 4 page 37 just paragraph; [for carbaryl]. CDPR has adopted 51.7 g/m³ (grams per cubic meter) as an interim health screening level." I am sure that this document intended to state 51.7 picos grams or nanograms per cubic meter of air.

I can forgive this oversight as this is a draft document but it is an example of the lack of attention to details.

This document is lacking by not clearly stating the Thresholds of Significance for amounts of technical materials both active and inert to be considered before during and after an insecticide treatment. These Thresholds of significance must be spelled out in the EIR. These thresholds are not based on pesticide label values. The values on a pesticide's label must be compared with the stated thresholds of significance in the EIR to assure the contents will be below the threshold before use. It is ok to use terms like interim health screening level as long as it is defined in the Glossary (section 10).

This document is lacking in an assessment of the urban/rural environment in which it will operate. If two thirds of the entire sales of pesticides in California went to residential use then it would seem we are all well prepared to commit insecticides on more than just sharpshooters. To the point This document can be improved by addressing the interaction of applying the Pierce's Disease Control Program with residentially used pesticides (including insecticides) and possibly other control programs. I am particularly interested in reviewing the cumulative / chronic implications on health to both man and nature from repetitive pesticide use in residential areas particularly those residential areas having living spaces with recirculated air.

One approach would be to ban all residential pesticide use. Thus restricting pesticide use only to Control programs like the PDCP. In this program there are checks and balances as the CDFA assures compliance with proper pesticide care and handling and when there is a problem then workman's comp insurance or a specialized branch of service steps in to handle the issue. With residential use the only checks and balances are at the bank to see if the check bounces and if there is a problem then it is the responsibility of the user. This Draft EIR must address responsibilities to the residences impacted by the PDCP. Specifically I would like an answer to: If a resident approves the use of pesticides for the Pierce's Disease Control Program is the resident then responsible for any harm that may occur from the exercising of the PDCP? This EIR clearly considers loss of organic certification, some bees, native insects as less than significant but what about a broken window, a car's paint, or a person's health.

Basically standing on its own, in the absence of all other pesticide use I see this the Pierce's Disease Control Program as a thoughtful plan from an agricultural point of view. Like a surgeon it cuts into the issue to contain the disease. My fear is that pesticides like the surgeon's scalpel become dull when used too often.

The instructions to the users of this EIR to generate a new EIR if something significant is determined on a local level is de-centralized and contrary to a open evolving document. I would suggest the final EIR incorporate an annual review of its effectiveness in controlling GWSS. Further, at the review period, incorporate into the EIR significant issues raised and their mitigation measures.

Respectfully,

 Nels Worden (PO Box 273, Santa Rosa, CA 95402)

changes occur with respect to the circumstances under which the program is undertaken, if these changes could result in new significant environmental effects. See Master Response I.

LETTER C3

Dear CDFA : Draft Environmental Impact Report (EIR) Pierce's Disease Control Program (PDCP) Comments

Stop this forced private residence pesticide spray program that violates the civil rights of organic gardeners. It is illegal to say the EPA guarantees NO Harm. Pesticide safety testing is junk science leaving out the larger, toxic, secret inert ingredients and therefore can't be guaranteed to be safe for anyone. New scientific evidence indicates that inhaled fine particle pollution can cause lung contraction and disease in healthy people and death in sick people.

Ca Dept. of Food and AG (CDFA) illegally discriminates calling disabled sensitive persons (3% of the population) who have documented life-threatening incidents to legal levels of pesticides insignificant and therefore disposable human beings, expecting even those bedridden and dying to flee with no mitigation or safe place to go. Their properties contaminated with pesticides against the advice of their doctor, forcing them to avoid their gardens for months, not hours until residues are gone. Persons with lung, liver, cardiac, brain, immune system, endocrine and other diseases could also have life-threatening incidents. Synthetic Pesticides should never be used for any emergency on anyone's property without complete proof of safety.

This is a fabr cated (alcohol) agriculture emergency. Growers failed to test for PD and prune to save vines. The year of devastation Ground zero Temecula County had a bumper wine grape crop. CDFA deliberately misleads the public; many Pierce's Disease strains that affect food crops are not in CA. GWSS is not the only insect vector and can not be eradicated in Ca Pierce's Disease has been here 100 years. At ground zero growers have solved their own problems by ripping out healthy nearby citrus trees, a favorite habitat of GWSS, planting less exotic disease resistant wine grape varieties, spraying their own pesticides and removing infected vines.

Signature  Print Name Linda J. McElver
 Address 2201 Loma Robe City Temecula Zip code 92590 State CA

Card Prepared by Linda J. McElver, GWSS Environmental Task Force, and president Canaries Foundation

LETTER C3: VARIOUS SIGNATURES

C3-1 See Master Response 2.

C3-2 See Master Responses 2 and 3.

C3-3 Regarding the status of an emergency and the situation in Temecula, see Master Response 8 and pages 1-2, 3-21, 3-22, 8-4, and 8-5 of the Draft EIR. See Table 3-4 on page 3-7 of the Draft EIR for the strains of *Xylella fastidiosa* found in California. See Section 3.3.1 (beginning on page 3-8) and Appendix B of the Draft EIR for a description of the status of the glassy-winged sharpshooter and other vectors of Pierce's disease in California. See Master Responses 7 and Chapter 8 of the Draft EIR for an evaluation of alternative control methods.

**LETTER
C4**

Dear CDFA : Draft Environmental Impact Report (EIR) Pierce's Disease Control Program (PDCP) Comments

Stop this forced private residence pesticide spray program that violates the civil rights of organic gardeners. It is illegal to say the EPA guarantees NO Harm. Pesticide safety testing is just science leaving on the finger, toxic, secret inert ingredients and therefore can't be guaranteed to be safe for anyone. New scientific evidence indicates that inhaled fine particle pollution can cause lung contraction and disease in healthy people and death in sick people.

Q4-1 *Method Bonyde State [redacted] Ctry A/C G-1*
 Ca Dept. of Food and AG (CDFA) illegally discriminates calling disabled sensitive persons (3% of the population) who have documented life-threatening incidents to legal levels of pesticides insignificant and therefore disposable human beings, expecting even those bedridden and dying to flee with no mitigation or safe place to go. Their properties contaminated with pesticides against the advice of their doctor, forcing them to avoid their gardens for months, not hours until residues are gone. Persons with lung, liver, cardiac, brain, immune system, endocrine and other diseases could also have life-threatening incidents. Synthetic Pesticides should never be used for any emergency on anyone's property without complete proof of safety.

This is a fabricated (alcohol) agriculture emergency. Growers failed to test for PD and prune to save vines. The year of devastation Ground zero Temecula County had a bumper wine grape crop. CDFA deliberately misleads the public, many Pierce's Disease strains that a fleet food crops are not in CA. GWSS is not the only insect vector and can not be eradicated in CA. Pierce's Disease has been here 100 years. All around zero growers have solved their own problems by ripping out healthy nearby citrus trees, a favorite habitat of GWSS, planting less exotic disease resistant wine grape varieties, spraying their own pesticides and removing infected vines.

Signature *Betty Smay* Prim
 Address *1152 Vard Loomis Lane*
 City *Arroyo Grande, CA 93420*

Cards Prepared by Linda J. McElver, GWSS Environmental Task Force, and PREVENT Environmental Foundation

LETTER C4: BETTY SMAY

C4-1 See Master Response 2.

C4-2 Comment noted.

C4-3 See Master Responses 2 and 3.

C4-4

Regarding the status of an emergency and the situation in Temecula, see Master Response 8 and pages 1-2, 3-21, 3-22, 8-4, and 8-5 of the Draft EIR. See Table 3-4 on page 3-7 of the Draft EIR for the strains of *Xylella fastidiosa* found in California. See Section 3.3.1 (beginning on page 3-8) and Appendix B of the Draft EIR for a description of the status of the glassy-winged sharpshooter and other vectors of Pierce's disease in California. See Master Responses 7 and Chapter 8 of the Draft EIR for an evaluation of alternative control methods.

**LETTER
C5**

Pierce's Disease Control Program
Environmental Review Process
Public Comment on the Draft EIR
April-May 2002

LETTER C5: KRISTA KIAHA

MAY 10 2002
C5-1 See Master Response 10.

Name Krista Kiaha
Address 170 Myrt St.
San Luis Obispo, CA
93401
Phone 805-541-0389

You may also mail your comments to:

Ms. Susan Stratton, Ph.D.
Real Estate Services Division
Department of General Services
State of California
P.O. Box 989052
West Sacramento, CA 95798-9052

Your comments must be received
no later than May 17, 2002.

Comments on the Draft Environmental Impact Report (EIR)

The California Department of Food and Agriculture (CDFA) has prepared a Draft EIR for the Pierce's Disease Control Program (PDCP). CDFA invites you to provide specific comments on the content of the EIR. Reviewers of the Draft EIR should focus on the sufficiency of the document in identifying and analyzing the potential environmental impacts of the PDCP.

The potential impacts of PDCP on organic farming is incorrect. It should be considered an adverse effect because it undermines the farmers' ability to practice organic foods. There is no way one can consider this a minimal impact because turning an organic farm into a pesticide farm is not a viable alternative.

C5-1

**LETTER
C6**

Pierce's Disease Control Program
 Environmental Review Process
 Public Comment on the Draft EIR
 April-May 2002

RECEIVED
 MAY 10 2002
 GENERAL ENGINEERING
 REAL ESTATE
 DEPARTMENT OF AGRICULTURE

Name Robert Kiaha
 Address 1710 Mono St.
San Luis Obispo, CA
93401
 Phone 805-541-0389

You may also mail your comments to:

Ms. Susan Stratton, Ph.D.
 Real Estate Services Division
 Department of General Services
 State of California
 P.O. Box 989052
 West Sacramento, CA 95798-9052

Your comments must be received
 no later than May 17, 2002.

LETTER C6: ROBERT KIAHA

C6-1 See Master Response 10.

Comments on the Draft Environmental Impact Report (EIR)

The California Department of Food and Agriculture (CDFA) has prepared a Draft EIR for the Pierce's Disease Control Program (PDCP). CDFA invites you to provide specific comments on the content of the EIR. Reviewers of the Draft EIR should focus on the sufficiency of the document in identifying and analyzing the potential environmental impacts of the PDCP.

Organic farming will be adversely affected by the PDCP. This in turn is an adverse effect on the health of the state and nation. If California feels that spraying pesticides to save the grape industry is a mitigable impact, then we might as well state that we don't support healthy and future life of California. How the wine industry is more important than basic, healthy food is beyond any common sense. The mitigation measures for ~~these~~ the impacts to organic farming latter include relocation costs for all who rely upon organic foods, to move out of this state to a place they can actually eat foods that don't kill them!

C6-1

Stratton, Susan**LETTER
C7**

From: Treesvnn@aol.com
Sent: Saturday, May 11, 2002 1:22 PM
To: pdpinfo@cdfa.ca.gov
Subject: spraying for the Glassy-Winged Sharpshooter

Dear CDFA : Draft Environments Environmental Impact Report (EIR) Pierce's Disease Control Program (PDCP) Comments

Stop this forced private residence pesticide spray program that violates the civil rights of organic gardeners. It is illegal to say the EPA guarantees NO Harm. Pesticide safety testing is junk science leaving out the larger, toxic, secret inert ingredients and therefore can't be guaranteed to be safe for anyone. New scientific evidence indicates that inhaled fine particle pollution can cause lung contraction and disease in healthy people and death in sick people.

Ca Dept. of Food and AG (CDFA) illegally discriminates, calling disabled sensitive persons (3% of the population) who have documented life-threatening incidents to **legal** levels of pesticides as insignificant and therefore disposable human beings, expecting even those bedridden and dying to flee with no mitigation or safe place to go. Their properties contaminated with pesticides against the advice of their doctor, forcing them to avoid their gardens for months, not hours, until residues are gone. Persons with lung, liver, cardiac, brain, immune system, endocrine and other diseases could also have life-threatening incidents. Synthetic Pesticides should never be used for any emergency on anyone's property without complete proof of safety.

This is a fabricated alcohol/agriculture emergency. Growers failed to test for PD and prune to save vines. The year of devastation Ground zero Temecula County had a bumper wine grape crop. CDFA deliberately misleads the public; many Pierce's Disease strains that affect food crops are not in CA. GWSS is not the only insect vector and can not be eradicated in CA. Pierce's Disease has been here 100 years. At ground zero growers have solved their own problems by ripping out healthy nearby citrus trees, a favorite habitat of GWSS, planting less exotic disease resistant wine grape varieties, spraying their own pesticides and removing infected vines.

Print Name Mona Wahab
 Address 1030 Kains #1
 City Albany State CA Zip code 94706

Card Prepared by Linda J. McElver, GWSS Environmental Task Force, and president Canaries Foundation

 On a more personal note: I have been diagnosed with Environmental Illness (EI). And except for my doctor's office (which is in a house and is cleaned using my non-toxic/unscented products), my bodyworker (who has EI friends and therefore maintains his home to allow me to come for treatment), a very small organic grocery store which I can visit when minimal customers are in there, and walking along Point Isabelle/Richmond, Ca, I AM HOUSEBOUND. I cannot walk around my block, I cannot go to other doctors/dentist offices, I cannot go to friends homes, I cannot have friends visit me in my home, I cannot go to restaurants, I cannot go to department stores, I cannot go to drug stores, I cannot go to libraries, I cannot go to music/video stores,.....but most importantly, I cannot go to work. This is the end result of toxic exposure.

In my lifetime, I was born in 1955, we have improved our life technologically to the point of high toxicity levels in the home and workplace. Furnishings (clothes, pressed wood, real wood, couch/chair/bed, electronics, plastics) unless they are acquired with the healthy environment in mind, all emit/out-gas various toxic chemicals. Formaldehyde, PVDE,

C7-4
(cont.)

I am almost complete in converting my living environment to an almost all metal one. I don't have furniture. I have metal lateral file and storage cabinets to hold my clothes, and what papers I have to keep. The only three pieces of real furniture are my bed (and the mattress and boxspring are encased in vapor barrier materials), bookcase (encased in vapor barrier material, and a chair (soon to become encased as well)).

Please think, read, get educated about pesticide use. We are no longer talking about preserving the environment for the next generations, but saving you and your current family and friends' health.

Mona Wahab

C7-2

C7-3

C7-4

LETTER C7: MONA WAHAB

C7-1 See Master Response 2.

C7-2 See Master Response 3.

C7-3 Regarding the status of an emergency and the situation in Temecula, see Master Response 8 and pages 1-2, 3-21, 3-22, 8-4, and 8-5 of the Draft EIR. See Table 3-4 on page 3-7 of the Draft EIR for the strains of *Xylella fastidiosa* found in California. See Section 3.3.1 (beginning on page 3-8) and Appendix B of the Draft EIR for a description of the status of the glassy-winged sharpshooter and other vectors of Pierce's disease in California. See Master Responses 7 and Chapter 8 of the Draft EIR for an evaluation of alternative control methods.

C7-4 Comment noted.

LETTER
C8

ROBERT G. CASDEN, M.D.

Board Certified Diplomate in Allergy
AERGY & ASTHMA MEDICAL ASSOCIATES
 (805) 541-5525

INSTRUCTIONS / Notes

December 1, 1994

To whom it may concern:
 Please do not expose Carroll Busselen to any
 chemicals or other products with moderate to
 strong odors or with respiratory warnings on
 the labels. These will precipitate asthma/
 bronchitis in this patient.

Sincerely,

Robert G. Casden, M.D.

Robert G. Casden, M.D.

RECEIVED

MAY 15 2002
 GENERAL SERVICES
 CITY OF SANTA BARBARA

807 Skyline Drive
 San Luis Obispo, CA 93405
 May 12, 2002

Ms. Susan Stratton, Ph.D.
 Real Estate Services Division
 Department of General Services
 State of California

P.O. Box 989052
 West Sacramento, CA 95798-9052

Dear Ms. Stratton,

I am concerned that if chemicals with respiratory warnings get into the environment in my area my health will be seriously impacted. I am a self-employed director of children's programs and must spend some time outdoors for my business to survive.

I am therefore concerned that if your plant to control the Glassy-Winged Sharpshooter using natural enemies and natural pesticides near residential areas, parks, schools, colleges, and other outdoor areas some people must use.

For these reasons I urge you to make an extensive effort to control the Glassy-Winged Sharpshooter using natural enemies and natural pesticides near residential areas, parks, schools, colleges, and other outdoor areas. I realize the growers' livelihood depends on healthy plants, but my livelihood and life depend on my health.

Therefore, I request that your plant to control Pierce's Disease include a fund to reimburse me and others like me for costs of evacuation, sealing of our homes, losses of income, medical treatment, should any of these be required after chemicals are used in our area.

I am also sending a letter from one of my physicians. If you wish, I will get a more current one.

Sincerely,
Carroll Busselen
 Carroll Busselen
 JDS - 544-6777
 doc,

C8-1

C8-2

C8-3

LETTER C8: CARROLL BUSSELEN

- C8-1 As indicated in the Draft EIR, pretreatment notification of occupants of properties to be treated, as well as of adjacent properties, would be conducted in non-agricultural areas prior to treatment application. For more information, see pages 4-14, 4-35, A-7, A-12, and G-6 of the Draft EIR. Under the proposed PDCP, schools, day care centers, rest homes, and hospitals that are nearby any proposed treatment operations would be notified prior to treatment and special scheduling would be arranged, if necessary. Pesticide treatments in parks, malls, large apartment complexes, and other busy public areas would be scheduled for off-time hours. The advance notice would allow those who desire or feel the need to leave the area to do so. A demonstrated medical need to evacuate has not been established. The conclusions reached in the Draft EIR with respect to fragile populations reflect the majority medical consensus. See Master Response 3.

Chapter 8 of the Draft EIR provides a description of alternative control methods that have been evaluated by CDFA for their effectiveness against Pierce's disease and the glassy-winged sharpshooter, including the use of natural enemies and natural pesticides. See Master Response 7.

C8-2 See Master Response 3.

C8-3 Comment noted.

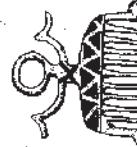
LETTER
C9

RECEIVED

MAY 15 2002

GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
436 Sandalwood St.
San Luis Obispo, CA 93401

Selene A. Nema
RSN, PhD, RN
CDFA
Susan Stratton
SR, Environmental Planner
Department of General Services
Real Estate Services Division
Professional Services Branch
PO Box 98952
West Sacramento, CA 95798-9057



enjoys. There is a growing momentum of awareness among the general public of the harm caused by pesticides.

European, Canadian, and American cities and counties are outlawing the use of pesticides. Six counties in Washington State have completely outlawed the use of herbicides and pesticides in roadside maintenance. 440 garden centers in Canada have decided to discontinue the sale of pesticides due to overwhelming public demand. The Canadian Supreme Court upheld the banned use of pesticides in Hudson, Quebec based on the precautionary principle's tenets to protect human health. This movement toward a sustainable and safe society is only just beginning.

CDFA
Susan Stratton
SR, Environmental Planner

Department of General Services
Real Estate Services Division
Professional Services Branch
PO Box 98952
West Sacramento, CA 95798-9057

RE: Glassy-Winged Sharpshooter/Pierce's Disease Control Program

Draft Environmental Impact Report

May 13, 2002

Dear Ms. Stratton and Governor Davis:

The GWSS EIR plan to forcibly spray pesticides on residential populations in order to control the glassy-winged sharpshooter is extremely shortsighted and flawed. While I understand you can rationalize the disease and death that will occur to sensitive human populations through your standard risk analysis, are you truly willing to poison innocent children, sick and elderly people? Apparently, you are.

The State of California and the agricultural industry need to view this so-called emergency with greater perspective. Doing harm to the weakest in a community will seriously undermine the reputation and stature that the wine industry now

enjoys. There is a growing momentum of awareness among the general public of the harm caused by pesticides.

European, Canadian, and American cities and counties are outlawing the use of pesticides. Six counties in Washington State have completely outlawed the use of herbicides and pesticides in roadside maintenance. 440 garden centers in Canada have decided to discontinue the sale of pesticides due to overwhelming public demand. The Canadian Supreme Court upheld the banned use of pesticides in Hudson, Quebec based on the precautionary principle's tenets to protect human health. This movement toward a sustainable and safe society is only just beginning.

Spraying people and their private property against their will is tantamount to fascism. And when people see that their loved ones are being harmed at the approval of the State of California with their tax dollars, all hell will break loose. Opposition will arise. We will boycott grapes, wine and other agricultural products that are benefiting from the use of State dollars to kill the GWSS. And questions will be asked.

The alternatives to pesticides addressed in the EIR are sorely lacking in vision and these alternatives are not viewed in a comprehensive manner. Have you not heard of **Integrated Pest Management**? That means the **COMBINATION** of methods with an emphasis on the least toxic controls used first. It takes time and effort to understand the short and long term consequences of each procedure and how they can complement each other. There is no way on earth you can predict that the mandatory use of pesticides whenever a GWSS infestation is found will control the GWSS. And I wonder what the motives are for the State of California and the EIR to recommend this course of action. Who is making a profit here?

Where in this report is an assessment of adverse health effects? What are the neurologic and immunologic effects of the recommended pesticides, Merit, 75wp, Tempo 20wp, "7" carbaryl Insecticide? What are the inert ingredients that will also be sprayed when any pesticide is used, and the evaluation of their effects on health? How will the health of a community be monitored and evaluated, both before and after pesticide use?

Many illnesses are exacerbated by chemical exposure, such as cancer, lung, autoimmune, endocrine, and liver diseases. The prevalence of chronic illness is growing in direct proportion to the accelerating pollution of our environment. Just take asthma as an example, Half the world's population of children are now allergic, a jump from 20%.¹ Asthma rates in children have increased 79% since

¹Cone, M., "Leaving a Generation Gasping For Breath," Los Angeles Times, October 27, 1996.

1

2

C9-2
(cont.)**C9-3****C9-4****C9-5****C9-1****C9-2**

LETTER C9: SELENE ANEMA

C9-1 See Master Response 3. The expressed expectations are unsupported by factual information.

C9-2 Comment noted.

1982, and it kills three times as many people as it did twenty years ago. Exposure to pesticides tracked into houses on ships or drifting in the air can provoke serious asthma attacks, and may even result in death.

C9-5 (cont.)

Those most severely affected by low-level toxins are the chemically sensitive. A recent California prevalence survey reported that 6.3% of respondents had been diagnosed with multiple chemical sensitivity.² Extrapolating this percentage to the general population represents 144,000 people across the state that suffer from this severe illness. These people will experience serious consequences to widespread pesticide use in their locals. Symptoms can be permanently worsened. Housing may be lost. How will the GWSS program identify and protect these people? What mitigation will be done to protect them? And if they are harmed, what will be done to remediate their suffering?

I believe the costs to the people of California are too great to allow such rampant use of pesticides around our homes, our schools and our workplaces. Please revise the EIR to accommodate these concerns.

Sincerely,

Selene Anema

C9-3 See Master Responses 7 and 10. The Draft EIR gives consideration to organic farming. In addition, as shown on Figure 4-3 of the Draft EIR, organic options would be considered for treating organic crops.

C9-4 The motive of CDFA to develop the PDCP was in response to a mandate by the California State Legislature to control Pierce's disease and the glassy-winged sharpshooter.

C9-5 See Master Responses 2 and 3. The issues mentioned are discussed in the Draft EIR. No adverse health impacts are foreseeable based on the parameters of use as presented in the Draft EIR. Toxicity is dose related. The Draft EIR provides a summary of toxicity for some chemicals as background information.

C9-6 The commenter's concerns were addressed in responses to comments C9-1 through C9-5. This document, together with the Draft EIR and technical appendices, constitute the Final EIR.

² Kreitler R, MD, R. Neutra, N. Lashay. "Prevalence of People Reporting Sensitivities to Chemicals in a Population-Based Survey." American Journal of Epidemiology 150(1):1-12 (July 1999).

**LETTER
C10**

RECEIVED

May 16 2012

GENERAL SERVICES
REAL ESTATE SERVICES DIVISION

May 13 2002

Ms. Susan Stratton
Real Estate Services Division
Department of General Services
State of California
PO Box 98052
West Sacramento, CA 95798-9052

URGENT

RE Environmental Impact Report and Forced Spraying for Glassy-Winged Sharpshooter

Dear Ms. Stratton:

Enclosed please find my letter to Governor Gray Davis in response to the Environmental Impact Report and forced spraying proposed for the Glassy-Winged Sharpshooter. This correspondence is directed to you as well.

I appreciate your sending me a copy of the EIR for the Glassy-Winged Sharpshooter, but I was unable to read it due to the fact that my Environmental Illness/Multiple Chemical Sensitivity prevented me from being exposed to the ink in the report, without becoming very ill. This particular exposure impaired my breathing and vision, and my central nervous system, affecting my ability to think clearly, to speak, and to walk. If a "thrumless" substance such as the ink on your report has this effect on me, what do you suppose a mass and continued exposure to pesticide will do? I, like many others with EI/MCS, would have preferred to attend meetings on the subject at hand, but my disability prevents me from doing so. Exposures to perfumes, cleaning solutions, personal care products, pesticides, etc., make me extremely ill. One brief exposure to these types of chemicals has been known to put me in bed for months at a time.

C10-1

Due to the above-stated circumstances, I contacted Linda McElver, President of The Canary Foundation, for a brief synopsis of your proposal. She kindly offered to email the EIR to me, but since I do not have a computer with email capabilities, and am far too ill to spend hours at a public computer plodding through your report, I was again, unable to review this information that affects me, and many others, on a profound level. Your proposal is a matter of life and death to those of us with this disabling illness. I am wondering how many other sick and disabled people are not receiving the information necessary to make them aware of your proposed plan to forcibly spray the State of California with a potentially deadly poison.

I cannot help but wonder how The State of California plans to provide a safe place to live for the million or more sick and disabled adults you are putting at risk by your proposed actions. As I understand it, your plan proposes to supersede all medical directives that protect us, allowing you to spray whenever you choose, including personal residences and private property. Are you able to guarantee our safety, Ms. Stratton? We are all protected under the American Disabilities Act. One does not have to be an attorney to see that your proposal is a direct violation of federal law that was specifically designed to keep us safe. Perhaps you can tell me why the State of California wants to cause such devastating harm to its disabled citizens? Since when are people's lives expendable? I am a third-generation Californian. California is the only home I have ever known. I have lived here all of my life, and I planned to die here. I just never imagined it would be so soon, at the hands of our elected officials.

Ms. Susan Stratton – State of California
Environmental Impact Report and Forced Spraying for Glassy-Winged Sharpshooter
May 13 2002
Page Two of Two

I honesty do not believe, Ms. Stratton, that you have truly thought this plan through to the outcome. If you could even begin to see the horrific consequences that your proposal will surely have on us all, you would not even be considering these actions. I urge you to read my enclosed letter to Governor Davis to better understand my deep concerns with your intentions. And please, feel free to contact me with any questions you may have. I feel in my heart that once you have gained a better understanding of what you are proposing, and the disastrous impact it will have on us all, you will find a truly safe alternative solution to this problem – One that we will all be able to live with.

Most Sincerely,

Lisa Thalberger

PO Box 2384
Santa Cruz CA 95063-2384

Attachment: Letter to Governor Gray Davis - (May 13 2002)

Copy to: Governor Gray Davis – State of California
Linda McElver – President - The Canary Foundation
Barbara Wilke – President - Environmental Health Network
Senator Dianne Feinstein – State of California
Senator Barbara Boxer – State of California
Congressman Sam Farr – State of California
Congresswoman Ellen Tauscher – State of California

C10-2

May 13 2002

Governor Gray Davis
Forced Spraying for Glassy-Winged Sharpshooter
May 13 2002
Page Two of Three

Governor Gray Davis
State Capitol Building
Sacramento CA 95814

URGENT

RE Forced Spraying for Glassy-Winged Sharpshooter

Dear Governor Davis:

Enclosed please find a copy of my letter to Susan Stratton regarding the Environmental Impact Report

I am suffering from a life-threatening, disabling condition known as Environmental Illness (EI) or Multiple Chemical Sensitivity (MCS). "Sensitivity" being a misnomer, as my symptoms have been known to keep me bed-ridden for months at a time by a single exposure to what most would consider to be "safe" chemicals, i.e., synthetic fragrances, pesticides, herbicides, personal care products, cleaning solutions, etc. This illness has cost me my home, my career, everything I own, and upon several occasions, nearly my life. Those who know me would say that although I am still naive, this illness truly has taken my life – at least the one I once knew. The kind of life most people take for granted. Every single day of my existence is devoted to getting well and trying to stay safe and alive in a world that has become a living nightmare for me to inhabit.

You cannot even begin to imagine, Governor Davis, the absolute horror that I, and many others, are feeling at your proposed plan to forcibly spray the State of California, including private citizen's personal residences, for an insect that I have yet to be convinced is a real threat to anything. Even if it were, surely in your wisdom, you could find a *safe*-safe alternative to said problem. I have learned in living with this illness that there is a safe, non-toxic alternative to just about everything.

In the late 1970's early 1980's, I was living in an area where the *Mediterranean Fruit Fly* was being "eradicated" by chemicals that the State and its experts deemed "harmless to humans." Ever since that time, my health has been on a downward spiral. At the time, I was a healthy, active, hard-working, homeowner, living the American Dream. The "safe" chemicals that were forcibly sprayed into my home and my property, my vehicle, and every public space I occupied, placed me on a path of deteriorating health, continual misdiagnoses and misreatment, and mounting medical bills for the twenty years that followed. Early one morning when it was announced they would *not* be spraying, I decided to go for a hike near my home. All of a sudden, I could hear the helicopter coming, but there was no place available for shelter. In a matter of seconds, they were overhead. I was sprayed directly with *Methidathion*, soaking through my clothes to my skin. Surely I was not the only person in the country that was outside that morning and had been exposed; due to the fact that they sprayed, *unannounced*, on a day they said they would not. Is this how the State plans to guarantee our safety *this time*?

For many years, I went to work under unbearable circumstances, so ill that I could barely walk, think, speak, or breathe, experiencing continuous unimaginable pain throughout my entire body. Denial is a strong thing. Governor, It makes you believe things are *not* as bad as they really are so you can continue on your intended path. Mine being, to remain self-sufficient and productive. I finally succumbed to the illness and was forced to go on disability. Despite my daily efforts and very expensive medical

treatments, few of which were covered by my personal insurance, my bank account dwindled, and my condition worsened. It's difficult to regain health when everything in the environment makes you ill. The word "Setback" becomes an integral part of your vocabulary.

I spent most of an entire year bed-ridden. At which time, without my knowledges, my landlord sprayed the inside of my home with pesticides. There was no reason for this, as there were no insects in my apartment. Even if there had been, there are several *safe*, non-toxic methods for removal. This man was fully aware of my condition, and had previously been given a note from my attending physician stating the extreme danger that any such action would pose. I note clearly stated that spraying of any kind could result in my death. Despite repeated warnings, he chose to ignore the further harm he would cause to my health and ultimately to my life. When I returned to my apartment, I instantly became deathly ill, and was immediately forced to leave my home of nearly seven years with only the clothes on my back. Every breathing in my home that I had worked so hard for, had, in one instant, been destroyed by the poison of "safe" chemicals, and the insensitivity of one individual.

Suddenly, I was without a place to live, and gravely ill. I had no choice but to gratefully accept a situation in a home that was not exactly the healthiest place for a disabled person with EI/MCS, Chronic Fatigue, and Fibromyalgia to be living. But, it was either that, or the streets. This was to be a temporary situation while I recovered enough to relocate into a new residence of my own. I expected my stay to be brief. Shortly after I arrived, said property owner, completely aware of my condition, sprayed *Round Up* – a reportedly "safe" over-the-counter herbicide. This was sprayed on an inclined area behind the house that would be about as far away as a next-door neighbor's house in an average California neighborhood. I barely survived that incident.

Having nowhere else to go, I was forced to remain where I was, and continually received exposure from the poison on a daily basis. That incident kept me bed-ridden for a good part of two years. A scientific researcher and a medical doctor both told me that the chemicals in *Round Up* remain in the area from six to eight months. Since then, I have been told that it's actually several years before the area is completely clear of toxicity. I have to wonder if an over-the-counter product remains for such an extended period, how long will the toxic chemicals you are proposing to use be lingering throughout our State? Months? Years?

C10-3**C10-4****C10-5**

After three and a half, long and arduous years, I am now coming back to the level of "health" I had just begun to experience before the first tragic incident. A level of health that still forces me to live an agonizingly challenging life on a daily basis, but a tremendous and hard-earned accomplishment nonetheless. It is nothing short of a series of miracles that has brought me this far. I continue working each and every day towards a full recovery so that I can live a healthy and productive life again. And now, a man for whom I voted, is proposing to spray a toxic substance that will contaminate every living space in our State with harmful and potentially deadly chemicals, leaving us no place to be safe, and no hope to be well. Why, Governor Davis, is the State of California intending to cause such harm or irreparable damage to it's disabled citizens? I feel, in my heart, that you cannot possibly see this yet, or you would not even be contemplating it; but (from where we stand, this proposal feels to us like nothing less than a State sanctioned act of terrorism and mass genocide). I am sure if you were in our position, you would feel the same way.

Governor Gray Davis
Forced Spraying for Glassy-Winged Sharpshooter
May 13 2002
Page Two of Three

Governor Gray Davis
Forced Spraying for Glassy-Winged Sharpshooter
May 13 2002
Page Three of Three

LETTER C10: LISA THAUBERGER

C10-1 See Master Responses 3 and 4.

Several years ago, it was said that the adult residents of this State suffering from and enduring Environmental Illness/Multiple Chemical Sensitivity on a daily basis number over a million. I suspect that number is much higher now, and is rising each day. That number includes only those that have been properly diagnosed, and does not include the children. There are hundreds of thousands (some researchers believe millions) of residents in our State alone, who are living with various symptoms of EI/MCS who have been misdiagnosed and mistreated for many years just as I was. Health care professionals who specialize in Environmental Medicine will tell you that they are receiving new patients in epidemic proportions.

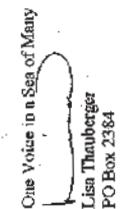
C10-7 (cont.)

This does not even begin to address the now healthy people of the State who will unknowingly become ill from these toxic exposures just as I did from the *Methidex* fiasco twenty years ago. I have to believe, Governor Davis, that you do not yet realize the horrific consequences of your proposed actions, or you would not even be considering them.

In addition to the human factor, which in and of itself should be enough to dissuade you, have you entertained the possibility of the State of California facing grave economical repercussions due to the vast wrong death lawsuits, civil rights litigation, and punitive damages that will surely follow your decision to spray? Not to mention the continued decline of a once healthy workforce and rising medical expenses that go hand in hand with long-term illness. Can the State of California *afford* that; it's citizens, disabled and otherwise, will be safe? If you choose to forcibly spray our State, leaving us nowhere to go, you could very well take my life and the lives of many others. Are these choices you are prepared to live with?

I urge you, Governor Davis, to search your hearts and rethink your choices before it is too late for us all.

Most Sincerely,


Lisa Thauberger
PO Box 2384
Santa Cruz CA 95063-2384

The commenter's personal experience and opinion are noted. See

C10-2 See Master Responses 2, 3 and 4.
Master Responses 2, 3, and 7.

The consensus of the medical community is that the relationship between trivial chemical exposures and catastrophic consequences is not scientifically supported. The commenter's personal experience and opinion are noted. See

C10-3
C10-4
C10-5

The commenter's personal experience is noted. Aerial treatment of residential and urban areas for control of the glassy-winged sharpshooter is not included in the PDCP. See Master Responses 2 and 3.

The commenter's personal experience is noted.

C10-6 See Master Response 6.

C10-7 See response to comment C10-2.

Attachment: Letter to Susan Stratton – State of California - (May 13 2002)
Copy to: Susan Stratton – Department of General Services – State of California
Linda McEliver – President - The Canary Foundation
Barbara Wilke – President - Environmental Health Network
Senator Diane Feinstein – State of California
Senator Barbara Boxer – State of California
Congresswoman Sam Farr – State of California
Congresswoman Ellen Tauscher – State of California

**LETTER
C11**

May 14, 2002

Dear Ms. Stratton,

I am writing regarding the Draft EIR for the Pierce's Disease Control Program, and wish my comments to be added to the Draft, and receive attention at the hearing.

My little two-bedroom home sits amidst an old family orchard. My husband and I were fortunate enough to find and purchase this acre ten years ago. The original property consisted of many acres of trees and was owned by the Tingleiro family, well-known in Sebastopol. We have converted the orchard from conventional to organic status. The juice of our Gravensteins, Romnes, Baldwins and Golden Delicious apples goes into the Nana Mae's Organic Juices produced by Paul Kolling. Older fruit goes into Bragg's organic apple cider vinegar. Other trees on the property give us Santa Rosa plums, three varieties of pears, Fuyu and Hachya persimmons, Meyer lemons and black figs, all organic. Oh, and there are the table grapes. The raspberries. And the logan and ollalaberries. And our extensive organic garden, artfully and ardently grown in gopher-proof raised beds, which feeds us and supplements the diets of friends and neighbors.

Knowing that the bee population has diminished in recent years is of great concern for us. We are happy to see bees feeding on our borage, pollinating the apples. We rejoice in the richness and abundance of our little piece of the web of life.

To say that the environmental impact of spraying poison on or in the vicinity of our property is insignificant, is preposterous!

Thank you for your attention to this matter.

Randi Farkas
Randi Farkas

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PROJECT MANAGEMENT
BRANCH

2002 MAY 20 12:00

Randi Farkas, -NFC
Randi Farkas
888 Third Street
Santa Rosa, CA 95404

LETTER C11: RANDI FARKAS

C11-1 Comment noted.

C11-2 The commenter does not provide a specific comment on the Draft EIR.

See Master Response 2.

C11-1

C11-2

**LETTER
C12**

PROJECT MANAGEMENT
BRANCH

2002 MAY 20 P 12 01

May 15, 2002

BTRU: Susan Shattock

I contracted polio in 1953 when I was five years old. Seven years ago I was diagnosed with post-polio syndrome.

The polio virus attacks, damages and/or kills the nerves of the central nervous system. My nervous system is seriously compromised.

You are going to spray known nerve poison carbaryl and chlorpyrifos on one, my house, my yard and my neighborhood to protect the grape industry.

My health and in fact my life are more important than industrial wine and producing alcohol.

It is unfortunate that non-toxic alternatives to chemical spraying for the grape industry is not included in the California Dept. of Food and Agriculture's EIR on Pesticide Abatement.

Sincerely yours,
Lorraine R. Bagan
1357 Ferguson Rd.
Sebastopol, CA 95472


Lorraine R. Bagan
Sebastopol, CA 95472

LETTER C12: LORRAINE R. BAGAN

C12-1 There are no information or literature reports that suggest exposure to pesticides presents an increased hazard to individuals whose nerves have been damaged by polio.

C12-2 See Master Response 7.

C12-1

C12-2

**LETTER
C13**

May 15, 2002

Mr. Steven Stratton, M.D.
West State Service Division
Dept. of General Services
State of California
P.O. Box 981052
West Sacramento, CA 95798-9052

Dear Mr. Stratton:

We are writing to you to express our fair objections to the planned spraying to control against Pierce's Disease. There are numerous safe alternatives which need to be pursued. The use of spray by Caltrans along the highways has taken a heavy toll on our entire family. We have experienced severe allergic/asthma-like reactions which we believe are a direct result of breathing the spray while driving. The spraying has compromised our family's ability to resist common colds also with the cost of healthcare going up rapidly, we cannot afford to compromise our health. The responsibility of caring for our personal health, the health and future of our children, and the environment are of a higher priority, and these great care must be taken to make responsible decisions concerning pest management. Stakeholders preserving to protect monetary interests should not take precedence over human health.

Sincerely,

Jim & Kathy Ebrahimi

LETTER C13: JIM & KATHY EBRAHIMY

Jim & Kathy Ebrahimi
4678 Ingleton Blvd.
Aptos, CA 95003
REPLIED
May 17, 2002
GENERAL SERVICES AGENCY
REBELLION ASSOCIATES

C13-1 See Master Response 7.

C13-2 Comment noted.

C13-3 Comment noted.

C13-1

C13-2

C13-3

**LETTER
C14**RECEIVED
PROJECT MANAGEMENT
BRANCH

MAY 20 12:01

Ramona Mooney
PO Box 393
Santa Rosa, CA 95402

May 15, 2002

LETTER C14: RAMONA MOONEY

C14-1 Comment noted.

C14-2 See Master Response 7.

Local Estate Services Division
State of California
PO Box 989052
West Sacramento, CA 95798-9052
Attn: Susan Stratton

Re: Pesticide use against the glassy-winged sharpshooter
I am vehemently opposed to spraying of
pesticides in Sonoma County. Who cares about the
vineyards? We already have too many vineyards
here in Sonoma County. Our health and the
health of the environment is more important.
We must tolerate any vine pesticide spraying here.
Enough people are already sick in this area.
Enough damage has already been done by pesticides.
Find some other means to use against the bugs.
Ramona Mooney

LETTER
C15

16 May 2002

Dear Ms. Stratton,

I want to express my concern about the DEIR on the PCDP, especially as it may effect vernal pools and their aquatic species.

My wife and I live southwest of Santa Rosa and there are 3+ vernal pools on our property. The Tiger Salamander (a species of special concern in California) has been found here.

As I understand it, many of the sprays proposed for the control of the Glassy-winged Sharpshooter are very dangerous to aquatic species. I don't find that the proposed DEIR addresses these concerns. If any lands containing vernal pools were to be sprayed, how would the aquatic life be protected?

Would you please be good enough to have the DEIR committee investigate my concerns?

Sincerely,



Dr. Julian Blair
3340 Phillips Ave.
Santa Rosa, CA 95407
Julianblair@yahoo.com
707.566.9230

LETTER C15: DR. JULIAN BLAIR

C15-1

Pages 4-24 and 4-25 of the Draft EIR describe the system used to avoid impacts to threatened and endangered species and species of concern.

**LETTER
C16**RECEIVED
PROJECT MANAGEMENT
BRANCH

2002 MAY 20 A II:44

May 16, 2002

Real Estate Services Division
State of California
P O Box 989052
West Sacramento, CA 95798-9052

Attention: Susan Stratton

Dear Ms. Stratton:

Please incorporate my comments into the public comment to the draft EIR.

I am vehemently opposed to the widespread chemical pesticide spraying on non-agricultural private and public property to fight an invasion of the glassy-winged sharpshooter.

We should embrace a philosophy that protects our environment, promotes biodiversity, and protects the habitat of all earth's creatures. We should be moving toward environmentally sustainable practices. We should never forget that we are borrowing earth from our children. Our legacy should be that we left this planet in better condition than our ancestors left it for us.

I urge the California Department of Food and Agriculture to move away from non-environmentally friendly means of pest control and commit to ecologically sustainable alternatives for the health of our communities and our planet.

Sincerely,



Karen Boudrie
1710 Capella Court
Petaluma, CA 94954

LETTER C16: KAREN BOUDRIE

C16-1 Comment noted.

C16-1

LETTER C17

C17-1

See Master Responses 2 and 11. As described in Chapter 9 of the Draft EIR, CDFE understands that some members of the public may be upset over what is characterized as “involuntary exposure.” One of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.

Anne Hanson & Edward Cole

P. O. Box 125

Cazadero, CA 95421

May 16th, 2002

Ms., Susan Stratton, PhD
Real Estate Services Division
Dept. of General Services
State of California
P. O. Box 989052
West Sacramento, CA 95798-9052

Dear Ms. Stratton:

Both my husband and myself were extremely alarmed to read the draft of the Environmental Impact Report regarding spraying various chemicals in response to an infestation of the Glassy-Winged Sharp Shooter. **We are completely opposed to the forced spraying of these chemicals. We feel that this report completely disregards the safety, well-being and rights of the many citizens and business people of Sonoma County who are opposed to the spraying of such toxic chemicals.** It also puts the environment at great risk at many levels (exposure to wildlife in all its forms, as well as the water, air, etc.). It is our feeling that the agricultural business and revenue from vineyards and wineries is being treated as more important than the health and safety of the people and the environment, and that organic agriculture is held in complete disregard. We feel this emphasis is faulty, because not only does it compromise the health and safety of the above stated, but because it disregards what the citizens of this county have been shown to feel on this subject; it also runs the risk of putting the very businesses it attempts to save to possible ruin.

C17-3
There are many people in this county who are becoming disenchanted with the wine industry because of just such incidences as this, and the resulting risks this agricultural business brings to the entire county. We believe that as individuals are disregarded in so far as they are opposed to this spraying, their disengagement will build to the point they will remove their support of this industry. Already there is a growing trend to buy non-organic wines.

C17-4
Many have so expressed their commitment to safer methods to the extent that a committee was formed to address alternatives to the spraying of toxics. It was shown that these toxic methods are not the most effective control, and gave numerous non-toxic alternatives. We believe that this agreement must be adhered to, thus showing respect for the people of this county, and that spraying off-toxic chemicals must not be resorted to. Further, we feel that if due vineyard owners began to show more responsibility in their growing methods, the Glassy-Winged Sharp Shooter wouldn't even be a threat. Such methods as leaving riparian zones in tact and using dry methods of cultivation come instantly to mind.

ED Please reconsider the alternatives addressed in response to an infestation of this insect, and disregard the reactionary ~~the~~ Dangerous Environmental Impact Report as drafted.

Sincerely,

Anne Hanson & Edward Cole

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MAY 20 2002

There are no data to show that dryland farming will have any impact on Pierce's disease rates or the numbers of either native vectors or the

LETTER C17: ANN HANSON & EDWARD COLE

See Master Responses 2 and 11. As described in Chapter 9 of the Draft EIR, CDFE understands that some members of the public may be upset over what is characterized as “involuntary exposure.” One of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.

See Master Response 10.

C17-2

C17-3

Comment noted.

It is unclear what committee the commenter is referring to. See Master Response 7. The commenter suggests leaving riparian zones intact and using dry methods of cultivation as alternative methods. As noted in the Draft EIR, native vectors of Pierce's disease breed in the riparian areas of the state and Pierce's disease is most common within about 300 feet of such areas (see pages 3-10 and 3-20 of the Draft EIR). As stated in Chapter 3 of the Draft EIR, the glassy-winged sharpshooter resides in a wide range of habitats that include agricultural crops, ornamentals, native woodlands, and riparian vegetation, and it is reported to feed and lay eggs on over 700 plant species. For this reason, leaving riparian zones intact would not prevent the spread of the glassy-winged sharpshooter. Extending the riparian areas will increase Pierce's disease levels due to the transmission by native vectors.

glassy-winged sharpshooter. Other cultural practices are discussed in Section 8.1.1 of the Draft EIR.

**LETTER
C18**

Orthopedic Medicine and Physical Therapy Associates

Gail M. Dubinsky, M.D.

1205 Gravenstein Hwy. So.
Sebastopol, CA 95472

(707) 829-7606

May 16, 2002

Real Estate Services Division
State of California
P.O. Box 9896052
West Sacramento, CA 95798-9052
Attn: Ms. Susan Stratton

Dear Ms. Stratton:

This correspondence shall serve as a "comment" replying to the Draft EIR pertaining to the proposed PDCP.

This is a dismissive and confounding document. It might as well be titled "Business as Usual by the Agri-Chemical Industrial Complex," or else "Trust Us, We're Experts". Every single concern brought up by various groups and individuals regarding possible harm to the environment and human health has been labelled "Less Than Significant", when compared to the possible harm to the grape industry.

The rationale most frequently provided in the EIR that there will be LTS effects is that pesticides will be used in accordance with label specifications, which in turn have been approved by the EPA, by thoroughly trained/licensed PCAs. This is specious reasoning. Just because the EPA has not yet decided that there is enough evidence to ban or further restrict use of dangerous chemicals such as Carbaryl, which even the EPA itself classes as posing the highest risk to human health, there is no evidence that chronic low dose exposure (i.e. to residents after spraying) is safe. Where did the "2-hour rule" come from, anyway? There is absolutely no medical evidence that I am aware of to support such an arbitrary time period after which no threat exists. Besides we are talking apples and oranges here— although acute poisoning is a concern, that is easily avoided. It is the repeated, chronic exposure to possibly multiple pesticides, some possibly drifting from nearby ag operations, that is the big threat and that absolutely no data exists to prove that it is safe.

The document also completely avoids the very real and more likely than not possibility that a fiasco like the Chrysanthemum situation would occur. This EPA herbicide was used extensively according to label specifications and I would imagine also applied by licensed and/or trained individuals, and now the entire connecting and vegetation recycling program for the state of California is in jeopardy. Unforeseen consequences are all too frequent and the EIR dismisses this possibility.

It is certainly more than "less than significant" when a household with individuals with "variability in susceptibility" i.e. significantly more susceptible due to illness, is not only threatened with more illness but also the inability to grow and/or procure its own organic food supply.

Who will be responsible for tracking, treating and paying for the increase in illnesses when individuals are harmed by spray programs? What if the increase in morbidity over time causes HMO and insurance rates to rise? Who will guarantee that people will not lose health care coverage or the ability to afford it, in this situation? Is this economic consideration within the EIR? It seems that it would be more than a minor "inconvenience" to many people.

Sincerely, Gail Dubinsky, M.D. 

LETTER C18: GAIL M. DUBINSKY, M.D.

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2002 MAY 20 A 11:49

C18-1

The Draft EIR does not dismiss "concerns" as less than significant. See Master Responses 2 and 3. Uncertainty can never be eliminated, and there will always be room for concern. The EIR is limited practically to dealing with probability based on known or predictable impacts. Dose-response relationships, including chronic administration, are used by pesticide regulatory agencies in determining permissible use patterns.

This is a generic consideration, and not one generated secondary to characteristics of the PDCP. As discussed in Appendix P of the Draft EIR, there is no absolute way to prove harmlessness. It is not possible to mitigate "unforeseen" consequences. Appendix P includes consideration of fragile populations and special environments.

C18-2

See Master Responses 3 and 10.

C18-2

C18-1

**LETTER
C19**

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BRANCH

2002 MAY 20 A II: 23

LETTER C19: SHAUNA JACOBS

C19-1 Comment noted.

5/16

Dear Miss Susan Stratton

or whatever it may be called,
I am writing regarding
the D.E.I.R. draft

I reserve the right to buy
organic, consume organic
foods and wine, and support
organic farmers and vineyards.

I strongly oppose forced
specifying.

There are too many
vineyards anyways. And

let the sharp shooter problem
fix itself naturally, let it

take its course

What happened to the idea
of diversifying the economy
& diversifying crops.

Shauna Jacobs
P.O. Box 1074
Overland Park, KS
66204-1074

**LETTER
C20**

RECEIVED
PROJECT MANAGEMENT
BRANCH
MAY 20 A 11:58

May 16, 2002

Real Estate Services Division
State of California
P O Box 989052
West Sacramento, CA 95798-9052

Attention: Susan Stratton

Dear Ms. Stratton:

Please incorporate my comments into the public record.

I am vehemently opposed to the widespread chemical pesticide spraying on non-agricultural private and public property to fight an invasion of the glassy-winged sharpshooter.

First we had MTBE, our water is undrinkable. Now, residents of California may be subjected to "chemical" spraying of our private property. I say, "KEEP-OFF", "KEEP-OUT"!! One has absolutely no idea of what the impact of "chemical" spraying will do to our environment in future years. Don't try to dupe us again ... we know better now ... after MTBE and the loss of precious water to many Californians!!!!

I urge the California Department of Food and Agriculture to move away from hazardous means of pest control and commit to less, **non-toxic** alternatives for the health of our communities and our planet.

Sincerely,



Lucia B. McNally

4809 Glencannon St.
Santa Rosa, CA 95405

Jbm

LETTER C20: LUCIA B. McNALLY

C20-1 Comment noted.

C20-2 See Master Response 7.

C20-1

C20-2

**LETTER
C21**

May 16th, 2002

Dear Mr. Stratton,
I am writing to urge a complete turn-around on our pesticide usage in California and, of course, world wide.
I have been seriously ill for over a decade. I am extremely sensitive to chemicals and unfortunately live in the wine country, vineyards and golf courses and an over use of pesticides. Please help us help me stay in my hometown.

Sincerely,

Karen Ratzlaff

645 Carr Ave

Santa Rosa, Ca

95404

FAX# 707-575-5487

RECEIVED
PROJECT MANAGEMENT
SERVICES INC.
MAY 20 2002

LETTER
C22

HELLO FAX		<input type="checkbox"/> RESPONSE REQUESTED	<input type="checkbox"/> URGENT REPLY NEEDED
TO:	Susan Streeton	DATE:	5/20/02
ATTENTION:		NO. OF PAGES:	2
FROM:	Jamie Campbell	FAX #:	(805) 785-1035
MESSAGE:	<p>The attached came to our office</p> <p>Last Friday May 17 at 1:28 pm.</p>		

MAY 20 02 09:23a 2730-040
MAY-17-02 FAX 01:28 PM ENCL(s) 1,2,3
8057811037 805 481 9376
F-61

P-1061
5-17-02
Attn: Janice Campbell
T/o: San Luis County Agriculture Dept.

From: Kristin Hardin
694 Trouville Green Ranch Co.

I can't believe grape vine yards.

Could win over the health of a whole state. Why can't we find native ag-

-eculture to support our economy? Instead of mass planting things that do not belong in our eco-system; causing the need to poison our living areas to protect our cash flow?

C22-1

Please, lets rethink this & think ahead to create a environment that is non-toxic & sustainable. No mass planting no spray.

Thank you,
Kristin Hardin
805-489-1910

Use REFLX™ The Erasable Reversible Fax Cover Sheet & Hold Sign A True
Sec 8057811037 MAY-20-2002 09:58 89-59 8057811037 97%

F-62

8057811037

MAY-17-02 09:58 89-59

F-62



LETTER C22: KRISTI HARDIN

C22-1

Comment noted.

**LETTER
C23**

Pierce's Disease Control Program
Environmental Review Process
Public Comment on the Draft EIR
April-May 2002

LETTER C23: DANIEL P. NEUMANN

RECEIVED

MAY 7 2002
GENERAL SERVICES
REALTY, ENGINEERING

C23-1 See Master Response 3.

Name Daniel P. Neumann

You may also mail your comments to:

Ms. Susan Stratton, Ph.D. Real Estate Services Division Department of General Services State of California P.O. Box 989052 West Sacramento, CA 95798-9052
--

Your comments must be received
no later than May 17, 2002.

Comments on the Draft Environmental Impact Report (DEIR)

The California Department of Food and Agriculture (CDFA) has prepared a Draft EIR for the Pierce's Disease Control Program (PDCP). CDFA invites you to provide specific comments on the content of the EIR. Reviewers of the Draft EIR should focus on the sufficiency of the document in identifying and analyzing the potential environmental impacts of this PDCP.

General Statement about Draft EIR and Letter
Although drafted by CDFA, as originally intended, Section 20700 requires that the Draft EIR be submitted by the State to the State Lands Commission for its review. This is an act of trascendence by CDFA reflected by the fact that the final draft preparation will now be assigned to the State Lands Commission. We are awaiting further direction for the benefit of industry, however, especially how much influence our laboratory activities ultimately affects our health.

C23-1

I comment tolerate any kind of program
If you agree my hand I will sign
Very Truly Sincerely,
Daniel P. Neumann

**LETTER
C24**

RECEIVED

Pierce's Disease Control Program
Environmental Review Process
Public Comment on the Draft EIR

April-May 2002

MAY 17 2002
GENERAL SERVICES
REAL ESTATE SERVICES DIVISION

Name HELENE NEUMANN

Address 5660 MAYA LN.
ATASCADERO CA
93422

Phone 805-461-9522

You may also mail your comments to:

<p>Ms. Susan Stratton, Ph.D. Real Estate Services Division Department of General Services State of California P.O. Box 989052 West Sacramento, CA 95798-9052</p> <p>Your comments must be received no later than May 17, 2002.</p>
--

Comments on the Draft Environmental Impact Report (EIR)

The California Department of Food and Agriculture (CDFA) has prepared a Draft EIR for the Pierce's Disease Control Program (PDCP). CDFA invites you to provide specific comments on the content of the EIR. Reviewers of the Draft EIR should focus on the sufficiency of the document in identifying and analyzing the potential environmental impacts of the proposed actions outlined by CDFA as well as significant social

securities and site concerns and the habitat significance for farmland
recognition of statewide sensitivity to the findings. The findings
of the environmental impact statement (EIS) and the
disadvantages we see as mitigation items as the

development of the Holcomb Disperser will affect
local benefit of finding major associations
extremely how much the exposure in the
situation advances effects our health

Please don't let us have property built up
no land available no place to go surviving
world with 2 or 3 countries please don't build one
for the benefit of industry Helene Neumann

LETTER C24: HELENE NEUMANN

C24-1 See Master Response 3.

C24-1

**LETTER
C25**

REGISTRY
MAY 21 2002
GENERAL SERVICES
REAL ESTATE SERVICES DIV.

Friday, May 17, 2002

Comment Draft EIR 2002
To whom it may concern:
Glassy wing Sharp Shooter

Concern

• Label

The reliance on the label for the complete instructions for use of an Economic Poison

Economic, is the definition in the state code for pesticides.
Senate of Research report in 1990

"The Senate Office of Research cannot vouch for the safety of specific pesticide products currently registered for use in California."

This report done by S.O.R.

Also stated

CDF A toxicologists review of toxicity only review data on the acute Not teratogenic, reproductive or mutagenic properties.

What studies are done by the state on these issues?

Are the studies only those submitted by the manufacturer who wants to sell his product accepted?

What are products to be used and what studies have been done to show their effectiveness and safety to human and endangered species?
You list only three products Sevin, Cyfluthrin, Imidacloprid

The active ingredient is the only part of the product mentioned in the material. The inert can make up from 2% to 98% of a pesticide product and these inert can be in there very dangerous grouping as per the EPA's own list of considerations

- A. Formaldehyde H. Safrole
- B. Chloroethane I. Potassium Bromate
- C. Aminothiophanoic J. E.C page added A.K.
- D. Antimony
- E. Asphalt
- F. Butylated hydroxyanisole
- G. Carbon Black

The list goes on for 2000 plus ingredients {page attached of more inert} Can the CDF A say the community will not be exposed to the inert classified to be Proposition 65 or listed under the 313 of Superfund Chemicals or occupational Safety and Health Act when you spray unlabeled pesticides on our homes and schools?

Comment continued

Each chemical must be addressed for the safety of the community and the birth of healthy children. Exposure to pregnant women by these Prop 65 chemicals does lead to birth defects. The state would be responsible for the entire life of the child born with a defect from the Prop 65 exposure. The figure to raise a child with a birth defect is about 800,000 plus. The hospital bill at birth is usually 124,000 thousand dollars. The state of California must look at the cost to the state.

"We are 12 billion in debt now! Quote Grey Davis "The possible birth of 15 babies would put serious financial pressure on the state budget to care for these babies.

- Draft CDEA own report 1988 state pesticides can leave the site of Application, John Sanders A.G. Program Super. Environ. Hazards Assess. Program

Ex summary for the Report
A Field study of Fog and Dry deposition as Sources of Inadvertent Pesticide Residues on row Crops. A.B.

They traveled on average 1-3 miles from site of application. This occurred days after the application took place. Chloryrifos was one of the pesticides in the testing does not confirm the safety of the agency or the applicator or the current programs's choice.

No such protection for humans has been addressed.

No label currently on a product in California declares it to be a factor in the application of a product.

The paper being the method approved by the CDEA and EHAP for testing for drift.

Paper test for all non-agricultural sites would be the way to assess the applicator and the hose size, droplets, pressure being used. Grape growers funding of this would be a gesture of good will to the community.
A back-lash of a boycott of California wines is very possible as a result of this spraying of the innocent and poor, and sick, and children, who don't drink wine.

- Alternatives
State law says

**C25-2
(cont.)**

C25-3

C25-4

For which there is a reasonable effective practical alternative. Why isn't just by hand removing the egg cases and putting a lighted match to them effective? Why is the use of Clay which is proven to work and is cheaper and does not effect humans or animals or endangered species approved as an alternative to the use of economic poisons? Which are expensive and dangerous for all living things. That the reason there called poisons. The economic benefit to the companies whose products are about to come out by the Federal EPA is very evident.

General comment about being disabled and deliberately singled-out by CDFA as insignificant. Social Security quote cleaner air disability signages as formal recognition of pesticide sensitivity by Study. This is an act of terrorism by CDFA inflicted on the frail ill, disabled population. We are as insignificant as the Jews in the Holocaust. Disposable Human Beings for the benefit of industry never monitoring exactly how much exposure in a laboratory situation adversely affects our health

1.3.8 Public Services, substantial demand for new services, if there going to spray, disabled chemically injured need a new place to live. Construction. See disability rights info above.

APPENDIX B: INERIS KNOWN TO BE HAZARDOUS

Inert ingredients Listed as Chemicals by the International Agency for Research on Cancer/gases, the National Toxicology Program, and California's Proposition 65.

C25-4 (cont.)

Insert Ingredients Listed as Toxic Chemicals Under Section 313 of the Superfund Amendments and Reauthorization Act [Toxic Release Inventory]

Insert 1 Reauthorization Act [Toxic Release Inventory]

1005-98-4	Carbon black	1,1,2,2-Tetrachloroethane
1443-47-2	Copper sulfate	2,4,5-T-Trichloro-1,1-benzene (chlorophenol)
1684-06-3	FD & C Yellow No. 1	List 6A
18287-7	p-Phenylenediamine	19174-11-7
17536-02-2	Potassium bromate	Echo 307-1
12841-9	Salicin	14693-60-7
14693-60-7	Silica, crystalline quartz	Silica, crystalline quartz

C25-5

1005-98-4	Carbon black	1,1,2,2-Tetrachloroethane
1443-47-2	Copper sulfate	2,4,5-T-Trichloro-1,1-benzene (chlorophenol)
1684-06-3	FD & C Yellow No. 1	List 6A
18287-7	p-Phenylenediamine	19174-11-7
17536-02-2	Potassium bromate	Echo 307-1
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14693-60-7	Silica, crystalline quartz	Silica, crystalline quartz

encl orandum

John Sanders
Ag. Program Supervisor
Environ. Hazards Assessment Program
Date: November 30, 1989
Place: Sacramento

Re: Executive Summary for the Report "A Field Study of Fog and Dry Deposition as Sources of Inadvertent Pesticide Residues on Row Crops"

Department of Food and Agriculture
Environmental Hazards Assessment Program
Bonnie Turner, ASsoc. Env. Hazards Scientist
Executive Summary for the Report "A Field Study of Fog and Dry Deposition as Sources of Inadvertent Pesticide Residues on Row Crops".

The California Department of Food and Agriculture (CDFA), as part of its pesticide residue monitoring program, routinely samples fresh fruits and vegetables from the channels of trade. Fresh produce is taken at wholesale and retail markets, packing houses, and points of entry into California. When residues are found, they are compared against the legal limits called "tolerances," established by the U.S. Environmental Protection Agency.

In sampling during the winters of 1981-86 and 1987-88, low levels of organophosphate insecticides parathion, diazinon, chlorpyrifos and malathion were detected on vegetable crops grown in Stanislaus County. Some of these residues were illegal, either because they were above the tolerance level, or because the pesticide was not authorized for use on that particular crop.

The CDFA immediately quarantined and destroyed the illegal produce that was in the channels of trade. The grower voluntarily destroyed the remainder. In a follow-up investigation, the CDFA determined that residues in question had not been applied to the crops on which the area.

After meetings with growers, the Stanislaus County Agricultural Commissioner, and County Farm Bureau staff, the CDFA's Environmental Hazards Assessment Program (EHAP) conducted a 30-day field study in northern Stanislaus County in January, 1989.

Organophosphate insecticides are applied primarily to orchard crops as dormant sprays during December and January, which coincides with the fog season in the Central Valley. These compounds evaporate 1988 and 1989 more effectively than they are applied under winter conditions. This reduces the number of additional treatments required in the spring and summer.

Since residues were found on row crops during the fog season, the EHAP designed its research to sample fog and to examine the ways in which pesticides migrate from orchards to vegetable crops during these winter conditions.

LETTER C25: A. L. STEELE**A.B**

See Master Response 2.

C25-1

Knowledge of product formula composition, or "inert ingredients," is limited. The PDCP has no authority in this area. CDFA relies on the expertise of the pesticide regulatory agencies to ensure the safety of the public through the registration of the product. See Master Response 2. To the best of the PDCP's knowledge, no products that require Proposition 65 notifications are used.

C25-3

An evaluation of the potential for adverse health impacts from the exposure of people to residues of a pesticide from the PDCP, including through spray drift, is provided in Chapter 5.2 of the Draft EIR. See Master Responses 2 and 11.

C25-4

The alternative control methods suggested by the commenter are analyzed in Chapter 8 of the Draft EIR. Specifically, the use of clay is discussed on page 8-9 of the Draft EIR. Also see Master Response 7.

C25-5

See Master Response 3.

**LETTER
C26**

Tara Treasurefield · 1165 Castle Road · Sonoma, CA 95476 · (707) 996-4834

May 17, 2002

Ms. Susan Stratton, Ph.D.
Department of General Services
Real Estate Services Division
P.O. Box 989052
West Sacramento, CA 95798-9052

Re: Comments: Draft Environmental Impact Report for Pierce's Disease Control Program, California Department of Agriculture (SCH# 2001032084).

Dear Ms. Stratton:

RECEIVED
PROJECT MANAGEMENT
BRANCH
MAY 20 A 11:55

LETTER C26: TARA TREASUREFIELD

C26-1

See Master Responses 2, 3 and 10. The PDCP rapid response component is designed to minimize the size of areas to be treated by providing for quick delimitation and treatment. The commenter is overstating the degree of treatment. In addition, as shown on Figure 4-2, organic options would be considered for treating organic crops. Conversion of organic farms to non-organic uses is not a likely outcome.

C26-2

See Master Response 10.

C26-1

The commenter does not specify what potential impacts she feels were overlooked in the Draft EIR. See Master Response 11.

C26-3

See Master Response 7.

C26-2

I do not want pesticides in my neighborhood or in my next-door-neighbors vineyard, much less in my own yard and garden. Though I have no control over my neighbors, I do expect to have control over my yard, organic garden, and body. The added chemical exposures that would result from the Pierce's Disease Control Program could trigger a resurgence of cancer in my body. This risk may be acceptable to CDFA, but it is not acceptable to me. In addition, I do not want the fresh fruits and vegetables that I buy from local organic farmers to be contaminated with carcinogens, organophosphates, and other harmful substances, and I do not want the farmers that I rely on to be forced to abandon organic agriculture.

C26-3

I strongly object to CDFA's Draft Environmental Impact Report for Pierce's Disease Control Program. As outlined in the letter that California environmental groups wrote to you, CDFA has clearly overlooked some very real and very significant impacts. CDFA has also ignored alternatives, such as Alternative D proposed by Lowell Downey of POISON, that would serve the needs of the wine industry without subjecting children, the elderly, those of us with compromised immune systems, beneficial insects, and the environment to unnecessary risks.

Sincerely,

A. Tara Treasurefield
Tara Treasurefield

Treasurefield,
1165 Castle Rd.,
P.O. Box 142,
Sonoma, CA 95476

LETTER C27

* GWSS DEIR -- Attention: Ms. Susan Stratton, Ph.D. - pe

Page 1 of 2

Stratton, Susan

From: Barbara Wilkie [wilworks@jml.net]
Sent: Friday, May 17, 2002 11:30 AM

To: pdcipublic@dfc.ca.gov

Subject: GWSS DEIR -- Attention: Ms. Susan Stratton, Ph.D. - personal

GWSS: SAFER ALTERNATIVES

May 17, 2002

Ms. Susan Stratton, Ph.D.
Department of General Services
Real Estate Services Division
P.O. Box 989052
West Sacramento, CA 95798-9052

Re: Comments: Draft Environmental Impact Report for Pierot's Disease Control Program, California Department of Agriculture (SCH# 2001032084).

Dear Ms. Stratton:

I am Barbara Wilkie, resident of Berkeley, Alameda County, California. I live with the effects of chemical injury known as Multiple Chemical Sensitivity. I acquired MCS in my former workplace, a government agency, due to abhorrent indoor air conditions resulting from the common use of consumer products such as synthetic scents found in personal care products, as well as in household and janitorial cleaning and maintenance products. Included are synthetic pesticides. My former workplace tested the poisons sprayed monthly as "safe" pyrethrins. Pyrethrins are not safe. Carbamates are not safe. Pesticides are not safe. They are not designed to be "safe."

As a result of my chemical injury acquired in the workplace, I took early retirement. During the past 3.5 years I have spent a great deal of time and effort learning about the cause of my illness, which as turns out is the cause of illness, disability and premature death for millions of Californians. And as outrageous as it seems, our numbers continue to grow. Skyrocket is the word one frequently hears in relation to the rising rates of those now living with asthma, MCS, Parkinson's, cancers, Alzheimer's, Attention Deficit Disorder, Autism . . . As many diseases as there are now with escalating rates, there are far more chemicals released to market without adequate testing. Pesticides are among them, as are fragrance products. (Synthetic scents and pesticides may be one and the same as in at least one case there is evidence that the maker used fragrance chemicals in large enough amounts that they themselves were pesticidal. The information concerns the maker of Allerene, whose scented dust miteicide was removed from market due to the serious and acute adverse health effects it caused.)

So how does this relate to the Glassy-Winged Sharpshooter?

Alameda County is both rural and urban and it has vineyards. Alameda County may be forced by the state to use pesticides, over any request for avoidance by its residents. But to look closer to home, right down the block from me is a well known horticultural garden and shop. Down a few blocks is San Francisco Bay, with Berkeley's waterfront park. A little east of me is the East Bay Regional Park and East Bay Municipal Water District lands. While these areas may not be prime targets for the GWSS, all of these areas are possible GWSS control areas. And, it's imperative to my health and the health of so

* GWSS DEIR -- Attention: Ms. Susan Stratton, Ph.D. - pe

Page 2 of 2

many other people in Berkeley, Alameda County, and the state of California, that the GWSS control measures be those that are the least toxic to our environment, to our children, to us and to our pets. Not to mention the beautiful bugs and fish and wildlife that are not protected by the endangered species act.

Please encourage the Department of Agriculture to explore the safer options for control. Please also encourage CDFA to share more information with the general public about the harmful effects of relying upon synthetic pesticides (and fertilizers). The information is available, but sadly, folks don't know to go digging for it until they or their loved ones become chemically injured, which includes being diagnosed with one of the varieties of cancer.

Many safer measures of GWSS control have been outlined time and again by members of pesticide reform organizations, but I'd like to put in a plug for encouraging bats to live among us. It has worked well in Texas. Maybe that is a practice worth borrowing from our neighbors in the southwest.

We like us all to remember an adage learned long ago: "An ounce of prevention is worth a pound of cure."

Thank you for the opportunity to voice my opinion against the use of pesticides for controlling the Glassy-Winged Sharpshooter.

Sincerely,
Barbara Wilkie

cc: Ms. Susan Stratton, Ph.D.
BEN Board members

C27-1
personal contact information not for publication (if at all possible)
1241 Carletta Ave
Berkeley, CA 94707
510.527.3567
wilworks@jml.net

C27-2
I've no quarrel with alerting folks to the roundup of the usual suspects as asthma triggers: cats, cockroaches, dust mites, and sometimes mould dung. But the public should be informed about the insidious role played by synthetic scents! Caveat Emptor!

See FDA Petition and the Chemical Analyses:
<http://www.ehha.org/FDApetition/fbsgrin.htm>
E-mail the FDA: <idadokeke@fda.fda.gov>
Reference: Docket Number 93P-1340

05/20/2002

05/20/2002

C27-2
(cont.)

C27-3

C27-4

LETTER C27: BARBARA WILKIE

C27-1 See Master Responses 2 and 3, and Appendix P of the Draft EIR.

C27-2 See Master Response 7. The proposed PDCP is the environmentally superior alternative.

C27-3 As part of the PDCP research component, CDFA is continually evaluating the efficacy of alternative methods to control the glassy-winged sharpshooter.

C27-4 Comment noted.

C27-5 This is an interesting idea. Bats are nocturnal feeders of insects that spend large amounts of time flying above plant tops in the air column. Glassy-winged sharpshooter adults do not typically spend much time in the air column above the plant tops flying from plant to plant. Instead they move from plant to plant in rather short flights or hops, usually not getting much above the tops of the plants (Drs. Richard Redak and Raymond Hix, University of California, Riverside personal communication). Bats do not move within the plant canopy to feed, but instead concentrate their efforts in the large open areas. If a bat found a glassy-winged sharpshooter in the air we do not doubt that it would eat the pest. Based on the biology of both organisms, it is unlikely that bats would exert sufficient impact on glassy-winged sharpshooter numbers to have a measurable effect.

C27-6 Comment noted.

**LETTER
C28**

RECEIVED
PROJECT MANAGEMENT
BRANCH

MAR MAY 20 A 11:50

LETTER C28: BRIDGETTE BREESE

C28-1

Finding viable eggs of glassy-winged sharpshooter on treated plants does not necessarily indicate a lack of efficacy of the material(s) used. The sharpshooter has three life stages (egg, nymph, and adult). Reliable, effective materials have been identified for use against the nymphal and adult stages, but not against the eggs. In the situation referenced by the commenter, viable eggs may have been present on the plants before treatment, or the treatment may have occurred so long ago that the remaining residue (if any) is no longer effective enough to prevent egg-laying.

C28-1

Dear Mrs. Brattin,
It seems to me that
it has already been
proven that pesticide
spraying is not
effective against the
sharpshooter, as
evidenced by finding
the viable egg masses
on plants that have
already been sprayed.
I do not consider
the losses that are
dismissed as insignificant
to be so at all.

C28-2

See Master Response 11.

C28-2

B
Bridgette Breese
8143 Valley View Dr
Sausalito, CA 94965

Real Estate
State of

**LETTER
C29**

Ms. Susan Dutton, PhD,

I would like to relay my position to the purpose of forest laying in Sonoma County to control the gypsy-moth caterpillar. I strongly believe this is the wrong approach that will only benefit the short sighted. I have need for a solution to a complex problem relating to the delicate balance that needs to be achieved in environmental concern. Spraying will only benefit the chemical company and set this balance, and infinite lot of voters! A lot of us in the area view this as more than in significant issue, of major significant consequences. Action like these directly threaten our way of life.

RECEIVED MAY 20 A 11:55
PROJECT MANAGEMENT
BRANCH

Please consider
this policy,
sincerely, Nick Johnson
Box 62
Cazadero, Ca.
95421

LETTER C29: NICK JOHNSON

C29-1 Comment noted.

C29-2 See Master Response 11.

C29-1

C29-2

LETTER
C30

RECEIVED
PROJECT MANAGEMENT
BRANCH

NOV 20 MAY 20 A 11:57

1000 West Street
Bettendorf, IA 50425-2
Phone 707-778-0789
Fax 707-778-6250

Re: Environmental Impact Report on proposed
Effects of pesticides use for G.W.S.

Dear Ms. Stratton:

I strongly oppose the use of pesticides
on property in private property. I developed
signures at the age of 35. Bettendorf
is known for the school I was teaching
in across a field. Contaminator. I observed
that I had allergies after herbicide was
applied and the growing wheat. I have I
have a son (teacher) whom has passed
recently of disease from round
up herbicide after moved it a house
where the next door neighbor had
mostly apples trees by herbicide and
had them all die. I am very suspicious
occurred in concert with the application.
A biologist at the Sonoma County
Dept. of Agriculture informed me, that
all pesticides are neurotoxins.

With the state so trying to help the
wine growers with their insecticide
application, they will be using organic
types of these farmers. I have been

C30-1

C30-2

Told by three different doctors
to eat healthy organic food. These foods
are more difficult to grow and therefore
much more expensive. These doctors
would love these organic
certifications. Organic foods are
medically necessary but some of us
just can't afford them is
It's my understanding that Deltamit
does not accomplish the safety concerns
I work at the St. Taylor farm in the
area Florida. They still by selective
tox and the pesticides like herbicides
without problem to keep them in
check.

What about the effect on birds which
are essential to any field or crops? What
about birds which depend on insects to
survive. If someone arrived at my home with
the intent of applying Deltamit, I
would hope hold it high. The birds
and therefore a large class would
lose information for cross breeding.

Thank you for considering
this information.

Yours truly,

Judieen Rose

C30-2

C30-3

C30-4

C30-5

C30-6

LETTER C30: JULEEN ROSS

- C30-1 Comment noted.
- C30-2 See Master Response 10.
- C30-3 Comment noted.
- C30-4 The efficacy of pesticide materials for controlling pests, including mosquitoes, is well established, along with the limitations and ramifications of this pest management method. See Appendix Q of the Draft EIR for more information.
- C30-5 A discussion of the potential impacts of the PDCP on non-target insects and vertebrate species is provided in Chapter 5.4 of the Draft EIR.
- C30-6 Comment noted.

**LETTER
C31**

RECEIVED
PROJECT MANAGEMENT
BRANCH

2002 MAY 20 A II: 5b

Ms. Susan Stratton, Ph.D.
Department of General Services
Real Estate Services Division
P.O. Box 989052
West Sacramento, CA 95798-9052

RE: Comments: Draft Environmental Impact Report for Pierce's Disease Control Program,
California Department of Agriculture (SCH#2001032084)

Dear Ms. Stratton:

I am writing this letter regarding the California Department of Food and Agriculture's (CDFA) Draft Environmental Impact Report for the Pierce's Disease Control Program (PDCP DEIR). I have personal concerns for myself and others that are Chemically sensitive, people with cancer, respiratory illness, Auto immune and immune deficiencies. Kids that are developing nervous systems and developing fences are all at risk should their yards and properties be sprayed. It is repeated exposure and the unknown combination of toxins that put this already vulnerable part of our population at risk of further complications. I see no evidence or studies looking at combined exposure. Sonoma County has not been looked at specifically to even know how this program will affect our County, Endangered Plant and Animal Species and our human population. A "less than significant impact" has been determined in this DEIR in regards to all of the concerns I have listed in this letter. I would like to see an EIR looking at the impact of this program on our Watershed's and wildlife, vulnerable population, economic impact or loss of Organic Farms and their long years of building a balanced environment that many people spend money for. People will not stop eating Organic, they will only spend their money outside of the County if necessary.

As of 1996, the State of California was permitting the use of 40 pesticides known by the state to cause cancer, 43 pesticides are known to cause reproductive and developmental harm, and 17 are identified as ground water contaminants. The U.S. EPA balances the projected health impacts of pesticide use with the economic benefit of use when reviewing toxicity testing from manufacturers applying to register their pesticides. No one ever said Pesticides are Safe. How is a less than significant impact determined?

Carbaryl is one of the pesticides recommended by the CDFA to be used in this program. Carbaryl is a known ground water contaminant. It has been detected in groundwater in three separate cases in California. It is lethal to many non-target insects, including bees and beneficials. It is also toxic to aquatic wildlife, we have 9 endangered species in Sonoma County. Four of these are fish: There is the Coho, Chinook and Steelhead salmon and a tidewater Goby, CA fresh water shrimp two birds a CA Clapper Rail and a Western Snowy Plover the red legged frog and a salt marsh Harvest Mouse. It looks like Carbaryl could be toxic to all nine of our endangered animal species in one form or another. We also have 12 endangered native species of plants. Carbaryl affects 9 out of 12 of these plants.

Carbaryl is in-Group 1 of the EPA's re-assessment program. Group 1 is those pesticides that pose the greatest risk to public health. It has also been determined to be in the Med-high carcinogen category and is a neuro toxin, which affects human health because of the similarity between human and insect systems. Carbaryl can cause tremors, nausea and weakness at low doses and paralysis and death at higher doses. Carbaryl is also an endocrine disrupter. Carbaryl has been linked to the disruption of hormone function in humans and wildlife. Changes in these hormone levels affect developing organisms. That means our children. They can result in serious abnormalities in reproduction, growth, and development, as well as cancer and immune system disorders, even at low levels of exposure. This is where the dose makes the poison does not apply. Even a small amount may make our children sterile. We don't know.

I would like to see these issues investigated and an EIR completed for Sonoma County in regards to the PDCP. Thank you for addressing these concerns.

Sincerely,

Mari Russell
15539 Bittner Road
Occidental, CA 94945

C31-6

C31-7

C31-1

C31-2

C31-3

C31-4

C31-5

LETTER C31: MARI RUSSELL

C31-6

See Master Responses 2 and 6.

C31-2

See Master Response 1.

C31-3

See Master Response 11. Chapter 5.3 of the Draft EIR addresses the potential impacts of the proposed PDCP on water quality, specifically the potential impacts of pesticides on surface water quality from non-agricultural treatments (page 5.3-4), the potential impacts of pesticides on surface water quality from treatments in agricultural areas (page 5.3-6), and potential pesticide impacts to ground water (page 5.3-7).

Chapter 5.4 of the Draft EIR describes the potential impacts to biological resources, including wildlife, associated with the proposed PDCP. Chapter 5.2 of the Draft EIR describes the potential hazards associated with the proposed PDCP related to the use of pesticides, including pesticide use in and around fragile populations and locations (page 5.2-17). See also Master Responses 2 and 3.

A discussion of the possible disruption of organic farming resulting from implementation of the PDCP is provided on page 5.1-9 of the Draft EIR. Although the PDCP could be economically adverse to growers who wish to market organic products, it is not considered an impact to the physical environment under CEQA.

C31-4

See Master Response 2.

C31-5

Pages 4-24 and 4-25 of the Draft EIR describe the system used to avoid impacts to threatened and endangered species and species of concern.

C31-6

Current pesticide regulatory assessments have concluded that carbaryl can be used safely, i.e., there is a reasonable certainty of no harm when used according to label specifications. There is no evidence to suggest exposure to carbaryl is associated with sterility. See Master Response 2 and Appendix P of the Draft EIR.

C31-7

Responses to the commenter's identified issues are provided for comments C31-1 through C31-6. As stated on page 1-10 of the Draft EIR, if the EIR is certified and the program is approved, county PDCP workplans (including Sonoma County) would be examined in light of the PDCP Draft EIR to determine if these plans are consistent with the EIR and to determine whether any additional environmental documents must be prepared (State CEQA Guidelines 15168(c)). Please refer to page 1-10 for more information about the environmental review process for county workplans. Also see Master Response 1.

**LETTER
C32**

RECEIVED
PROJECT MANAGEMENT
BRANCH

MAY 20 P 12:02

Greetings

Regarding the chess Democrat 5-15
shoot Shootshooters

This year I was diagnosed
with Breast Cancer
My neighbor is 80, what do we
have in common, & vineyard
I call it grape rope
Lake County is Speculating grapes
like cancer, uncontrollable
And this year, No bees
I'm wondering how many
will die (honeybees, insects, etc.)
for the drink off ~~the trees~~,
when acres

LETTER C32: ANONYMOUS

C32-1 Comment noted.

C32-1

**LETTER
C33**

Real Estate Services Division
State of CA
This is to let you
know of my opposition
to the spraying program
that is proposed for chlorine
in the City of Shafter.

RECEIVED
MAY 21 1992
STATE SERVICES
REAL ESTATE DIVISION

The prosperity of
the commercial vineyard
is not more important
than the health of our
citizens!
Please find non-toxic
ways to control pests!
The health of our planet
depends on it!

Sincerely,
Ruth E. Ayres
3380 Henry Lane S.F. 94101

LETTER C33: RUTH E. AYRES

C33-1 Comment noted.

C33-2 See Master Response 7.

C33-1

C33-2



Ruth E. Ayres
3380 Henry Ln.
Santa Rosa, CA 95401-3903

**LETTER
C34**

No Spray!

Real Estate Services Division
State of California
PO Box 989052
West Sacramento CA 95798-9052

Attn : Susan Stratton

Regarding The Environmental Impact Report on spraying for the glassy winged sharpshooter in Sonoma county. First, let me say that I am against the spraying of pesticides for a number of reasons, most of which I'm sure you have heard from others. What it really comes down to, though, is a feeling in my gut that it is wrong. I feel that the use of poisons in this fashion is morally, spiritually and logically wrong. And so I don't use them. I try to keep the little pieces of the earth that I live on as free of poisons as possible. I don't think that my personal beliefs are any less important or valid than those of the wine industry. If the Sonoma economy is in danger because the wine industry is in danger then perhaps it's time to diversify. I don't like the idea of forfeiting my rights for the purpose of protecting a single industry.

LETTER C34: D. COLLINCS

C34-1 Comment noted.

C34-1

Attn : Susan Stratton

Regarding The Environmental Impact Report on spraying for the glassy winged sharpshooter in Sonoma county. First, let me say that I am against the spraying of pesticides for a number of reasons, most of which I'm sure you have heard from others. What it really comes down to, though, is a feeling in my gut that it is wrong. I feel that the use of poisons in this fashion is morally, spiritually and logically wrong. And so I don't use them. I try to keep the little pieces of the earth that I live on as free of poisons as possible. I don't think that my personal beliefs are any less important or valid than those of the wine industry. If the Sonoma economy is in danger because the wine industry is in danger then perhaps it's time to diversify. I don't like the idea of forfeiting my rights for the purpose of protecting a single industry.

Sincerely,

RECEIVED

MAY 22 2002
GENERAL SERVICES
REAL ESTATE SERVICES DEPT

D. CollinCs
PO Box 4688
Fresno CA 93759

LETTER
C35

RECEIVED

MAY 23 2002
GENERAL SERVICES
GENERAL SERVICES DIVISION
CALIFORNIA STATE GOVERNMENT

SUSAN SHATTOROW

You must not allow pesticides to be sprayed against the will of people or the doctor's recommendations. I had asthma as a child. It huts at suppresses, it is painful. I learned later it was caused by chemicals and air pollution. Now I am chemically sensitive. I experience severe pain in my lungs and throat when I breath air that is close to pesticide sprayed beings of plants. Pesticides can in the wind. I know when someone sprays chemicals because I get a brain fog/no headache when I breath the chemicals.

When testing pesticides you must consider people with respiratory disease, neurologic disease, etc. These immune system disease they may align to sensitivity of chemical tolerance that may in this day age have led to the increasing amount of chemicals & pesticides that is sprayed into the environment.

Spraying like the one that is proposed on orchards against (Goss) is what has been done. Goss is birds and goss which can then get into life threatening asthma attacks!

Really Susan as a mother I ask you to not allow this spraying on take place and by the store (and operations) to stop. Asthma hurts.

C35-4

These chemical influences hurt too. Those chemicals kill. Chemicals kill lung cells kill children, kill people.

C35-5

Some of us may die if the spraying takes place. Many have died because of such activities with poison.

C35-6

There are safe alternatives. Again spray and let them deal with their problems on their own land of 2 miles and 1/2 to the children and the environment. And you shouldn't let the timber companies spray either.

C35-7

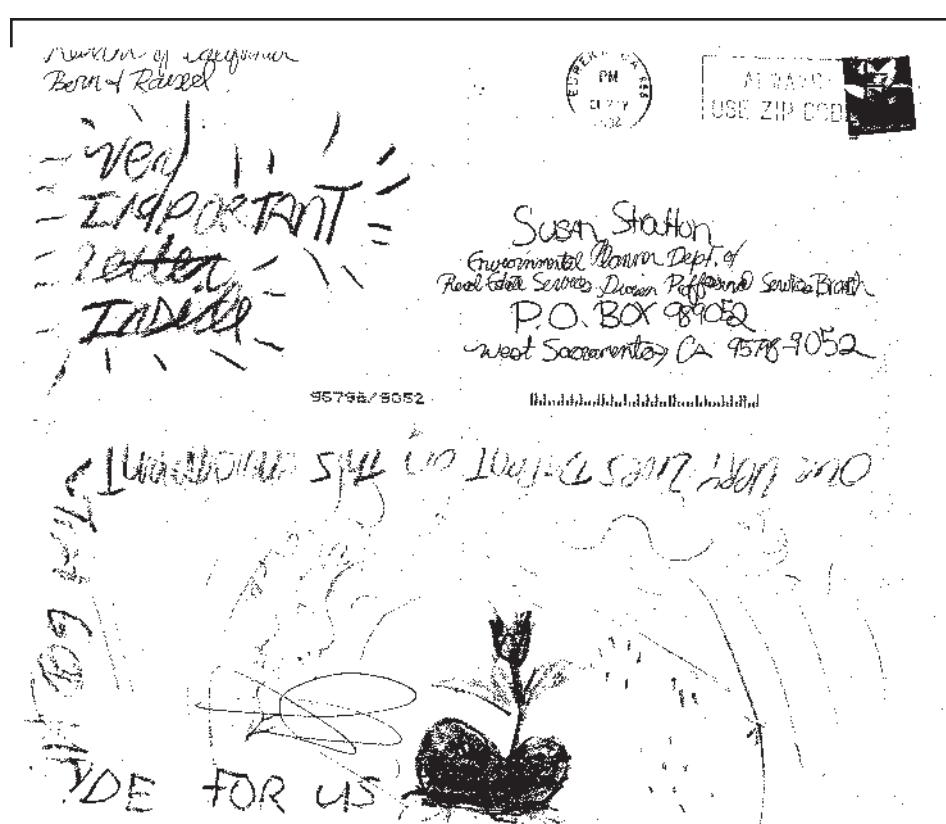
Sincerely
Nicole E. Katter
Nicole E. Katter

C35-2

C35-3

LETTER C35: NICOLE E. KATER

- C35-1 Master Response 3 and Appendix P of the Draft EIR discuss pesticide exposure and fragile populations.
- C35-2 The decline in bird numbers to which the commenter alluded did not occur during the emergency PDCP. See Appendix P of the Draft EIR for a discussion of the potential impacts of the PDCP's use of insecticides on birds.
- C35-3 There is no information to suggest that pesticide applications as described for the PDCP specifically cause or exacerbate asthma.
- C35-4 Comment noted.
- C35-5 See Master Responses 2 and 3 and Appendix P of the Draft EIR for a summary of toxicity testing and use restrictions imposed by pesticide regulatory agencies that oversee the safe use of pesticides.
- C35-6 An analysis of the efficacy of Kaolin clays is provided on page 8-9 of the Draft EIR. As part of the PDCP research component, CDFA is continually evaluating the efficacy of alternative methods to control the glassy-winged sharpshooter. See Master Response 7.
- C35-7 Comment noted.
- C35-8 Comment noted.



**LETTER
C36****LETTER C36: SHARON GIGLIO**

I am deeply concerned about the Draft of a Proposed Environmental Impact Report for the construction of a new library in the town of Sharon. Per our conversation, you're looking to have your land certified organic. I eat only organic locally grown raised food. And do my best to protect the bee population. My parents are beneficiaries of the Green Share money you've given to us. I'm going to take a position to not be involved in this project. Please call me at 732-954-7722.

C36-1 An analysis of the potential impacts to non-target insects, including bees and other beneficial insects, is provided on page 5.4-10 of the Draft EIR. Chapter 5.2 describes the potential health hazards associated with the proposed PDCP use of pesticides. All of the potential environmental impacts to human health were found to be less than significant.

**LETTER
D1**

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PUBLIC HEARING
U.S. COOPERATIVE EXTENSION AGRICULTURAL
COMMISSIONER'S OFFICE
LARGE CONFERENCE ROOM
4137 BRANCH CENTER ROAD
SACRAMENTO, CALIFORNIA

Public Comment Period on the)
Draft EIR Impact Report)

ii

APPEARANCES

Frank Carl, Agricultural Commissioner
Susan Stratton, Meeting Coordinator
Molly Scarbrough, Environmental Consultant EDAM , Inc.
Jim Rains, Environmental Scientist
California Department of Food and Agriculture

WEDNESDAY, APRIL 24, 2002
6:05 P.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Richard Samra

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Linda McElver
Canaries Foundation

Richard Samra

Adjournment

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1

PROCEEDINGS

Page

AGRICULTURAL COMMISSIONER CARL: I'm Frank Carl.

I'm the Sacramento County Agricultural Commissioner, and in

charge of the local Pierce's Disease Control Program. And

I'd like to welcome you here this evening for the public comment session on the Environmental Impact Report on the

Pierce's Disease Control Program.

There are restrooms down the hall, if you haven't noticed, and there's a drinking fountain out there. I believe the soda machine is accessible on the extension

side, if you're interested in that. And I think that about covers it.

Is there anything else that anybody needs to know, as far as the facilities, or anything, that way?

Okay. Then, Jim, I think you're the next one on the agenda.

MR. RAINS: Yes. Good evening, I'm Jim Rains,

Environmental Scientist for California Department of Food and Agriculture, to give you a really quick summary of the

EIR that we're presenting tonight.

The California Department of Food and Agriculture, in coordination with the Environmental Consulting firm of

EDAW, Incorporated, has prepared this Draft Environmental Impact Report, or EIR, to provide an environmental

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D1-1

2

1 assessment of the proposed Pierce's Disease Control Program.
2 The proposed program would be a statewide program to
3 minimize the impact of Pierce's Disease in California. A
4 major strategy in this program is to reduce the occurrence
5 of the Glassy Winged Sharp Shooter (GWSS), which is a non-native
6 insect carrying the disease, to new areas of California.

7 CDFA is the lead agency responsible for
8 coordinating the statewide comprehensive program, and is the
9 lead agency for this EIR. The County Agricultural
10 Commissioner would have the responsibility for local
11 implementation of the program, with coordination by CDFA.
12 The program has five central elements, public
13 outreach, statewide survey, contain the spread, local
14 management and rapid response, and research. The proposed
15 program evaluated in the Draft EIR is an extension of an
16 ongoing emergency program and regulations mandated by the
17 California State Legislature to control Pierce's Disease and
18 GWSS.
19 The Draft EIR focuses on four environmental
20 topics, as you can see on the right-hand easel over there.
21 These topics include agriculture and land use, hazards,
22 water quality, and biological resources. Other issues were
23 dismissed after preliminary review and scoping as having no
24 potential for significant effect.
25 The Draft EIR also includes an analysis of the

3

1 potential cumulative impacts of implementation of the
2 program in combination with other projects, including the
3 past, present and anticipated future uses of pesticides by
4 other state and local jurisdictions and private growers and
5 homeowners. The Draft EIR concludes that with the
6 implementation of the additional safeguards provided within
7 the Pierce's Disease Control Program, all of the potential
8 impacts, environmental impacts, would be less than
9 significant. A summary of the safeguards included in the
10 program is provided on Pages 2-5 through 2-13 of the Draft
11 EIR.

**D1-1
(cont.)**

12 The EIR also considers a range of reasonable
13 alternatives to the proposed program that meet the project's
14 basic objectives, as is required by CEQA. Four alternatives
15 are considered in Chapter 8 of the Draft EIR. These are,
16 the no project alternative -- this is also on the easel, the
17 middle easel over here -- Alternative A, regulate the
18 movement of commodities that may carry the GWSS but do not
19 take any action against GWSS infestations. Alternative B,
20 regulate the movement of commodities that may carry the GWSS
21 and abate new GWSS infestations on agricultural lands, using
22 the most effective treatments available. And Alternative C,
23 regulate the movement of commodities that may carry the GWSS
24 and abate all infestations of GWSS outside the generally
25 infested areas. but do not use conventional pesticides in

**D1-1
(cont.)**

1 non-agricultural areas.

2 Chapter 8 also evaluates alternative control

3 methods for their effectiveness in containing the spread of

4 Pierce's Disease and GWSS, which is a basic program

5 objective. As discussed in Chapter 8 of the Draft EIR,

6 feasible alternatives to the Pierce's Disease Control

7 Program would not meet the goal of the program. Several of

8 these alternatives evaluated would limit the use of

9 pesticides in the short term. However, if these

10 alternatives were implemented, the EIR concludes that it is

11 likely that pesticide use would increase in the state as

12 more growers and homeowners independently treated their

13 properties to control Glassy Winged Sharp Shooter

14 infestations.

15 Okay. With that, I'd like to turn to Dr. Susan

16 Stratton, a Senior Environmental Planner with the State

17 Department of General Services, and she will provide the

18 format for tonight's meeting.

19 MEETING COORDINATOR STRATTON: Good evening,

20 everyone.

21 If you wish to speak we have speaker sign-up cards

22 at the back of the room, or Molly has them back there, so if

23 you'd please fill out one of those and turn it in to Molly.

24 Molly will call the first five speakers up, and we've got

25 chairs designated in the front of the room, and we'd like

5

1 you to please come up there and have a seat. That way we
2 can sort of keep things moving, and everybody will have a
3 chance to speak, which probably won't be a real problem in
4 the time that we have allotted for tonight.

5 And sort of the format that we're going, each
6 speaker will have three minutes to give their presentation.

7 I will hold up one of the yellow cards when there is one
8 minute left, and the red card at the end of your three
9 minutes, and there's also going to be an obnoxious little
10 bell up here.

11 So we just request that you sort of be respectful

12 of your time and your fellow audience members, so everyone
13 will have a chance. Should you need more time than the
14 three minutes, please sort of circle back around and sign up
15 at the end again, and have another three minutes if you have
16 more information to give us.

17 And the other thing that I ask if when you come up
18 to the podium to give your presentation, if you would
19 clearly state and spell your name, please, for the recorder,
20 so that we can have that in our record. And I guess we're
21 ready to roll.

22 So, Molly, if you'd please call up the first
23 names.

24 MS. SCARBROUGH: Well, as of right now we have two
25 speakers, so Linda McElver.

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**D1-1
(cont.)**

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24 MS. SCARBROUGH: Well, as of right now we have two
25 speakers, so Linda McElver.

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6

MS McELVER: Good evening. My name is Linda, L-
i-n-d-a, J., McElver, M-c-E-l-v-e-r, v as in Victor.
I'm President of the Canaries Foundation, a non-profit activist organization advocating for the chemically sensitive and acceptable risk populations. And I also served as the non-governmental public health representative on the Glassy Winged Environmental Task Force.

I wish to lodge a formal disability complaint today. I have requested that the new State of California cleaner air signage be used at these meetings. Because the EIR has designated people with our disability as an insignificant risk, and it is well documented that people can have life threatening asthma attacks, I am insisting that at least one of these meetings have accessibility due to the cleaner air. This cleaner air signage means that I won't have to walk through a group of people wearing fragrances, but as you can see, I've already started to trigger my asthma.

I am not going to be able to speak long because I'm not feeling well, because of the inaccessibility of this site, even though it's a pretty decent building and a pretty decent air quality. If it wasn't for the fragrances I'd probably be perfectly fine.

It was very upsetting to me when an attorney from CDFA said well, why don't I just write my things in. You

7

know, we want to be seen. We're tired of being shut away.
And if people want to wear fragrances maybe we should suggest that they stay home and send their comments written, rather than come in and cause people to have asthma attacks.

D1-2**(cont.)**

I have some good news for Dr. Peter Kurtz, the doctor that Governor Davis has selected to take the place of our medical physicians and force toxic chemical exposure on our properties against our will and against our doctor's permission, that there are now two studies that produce the etiology of our medical condition, at least in relationship to asthma. And I have these right here today that I will leave with you.

D1-3

If Dr. Peter Kurtz needs some proof, and if he would get the full pesticide products first tested, in other words, including the secret inerts, I would be willing to be put into a chamber and have an undetectable level of pesticides that you plan to use in my neighborhood pumped into the chamber, that I can't tell when it's coming in and when it's not, and have my lungs evaluated with ultrasound.

In this particular study, they were able to show that healthy people had their lungs constrict from pollution. And the cleaner air disability information will indicate that people like us are sensitive to petroleum based products, which can include pesticides, fragrances, cleaning chemicals, diesel and other chemicals such as those.

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8

1 Thank you.

2 MEETING COORDINATOR STRATTON: Richard Samra.

3 MR. SAMRA: Hi. My name is Richard Samra. Samra

4 is spelled S-a-m-r-a. And I just have a few brief comments

5 and I'll submit written comments in detail.

6 Basically, I, you know, I think everyone here is

7 quite aware of how significant and severe the Glassy Winged

8 Sharp Shooter problem is and what a severe impact it can

9 have to both all of agriculture, but also to oak trees and

10 other species of trees that we hold very dear. One of the

11 major issues, and I think that CDFA and the County Ag

12 Commissioner here in Sacramento, Frank Carl, are to be

13 commended for your efforts in containing infestations of the

14 Sharp Shooter. I don't think at the current time there is

15 any more serious threat of a invasive species within the

16 State of California. And I think it's absolutely a miracle

17 that within a year, year and a half that CDFA has been

18 working on this issue, that you have actually been able to

19 contain the spread of Sharp Shooter throughout the state to

20 control it, and in the case of Sacramento County, perhaps to

21 be very close to eradicating the problem.

22 And I think one of the other points that needs to

23 be brought forth, the infestation that was here in

24 Sacramento County in Rancho Cordova, a mobile home

25 community, I think the County Ag Commissioner did a great

9

1 job working with the local residents, providing good

2 information to everyone, and dealing with the Glassy Winged

3 and almost eliminating that problem here today, something

4 that at the start of the infestation no one thought was

5 possible. And I think that serves as a prime example to

6 folks that do have fears, certainly in urban areas, about

7 what would happen if there is an infestation within their

8 neighborhoods. And I think from the agricultural

9 perspective, we certainly are very supportive of the efforts

10 of the state and we feel that everything that can be done

11 needs to be done.

12 And again, I want to thank you for all of your

13 efforts to date.

D1-4

14 MEETING COORDINATOR STRATTON: Thank you.

15 Any other speakers? Linda. Yes.

16 MR. LANGE: Good evening. My name Brad Lange, I

17 farm in Sacramento County as well as San Joaquin County.

18 And I, too, would like to echo Richard Samra's comments and

19 commend the CDFA for their efforts of controlling Glassy

20 Winged Sharp Shooter, and the -- it being a vector for

21 Pierce's Disease.

22 I would also like to commend CDFA for their

23 efforts in not only attacking this pest statewide, but also

24 reaching out and trying to control this pest by other means,

25 such as the biological controls that they have now, trying

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**D1-4
(cont.)****D1-5**

10

1 to work through on their research projects. Also, trying to
2 do research to solve the problem, and that problem being
3 Pierce's Disease.

4 So once again, I applaud the efforts of CDFA. I
5 appreciate the effort that they are doing for us in the
6 agricultural community, and I applaud your efforts.

7 Thank you.

8 MEETING COORDINATOR STRATTON: Thank you.

9 Anyone else? Well, we'll be here. Linda, if you
10 feel better, certainly, please come back up and --
11 MS. MCELVER: Well, maybe -- I don't know, can I
12 speak from here? Can you hear me? I'm really feeling
13 dizzy. I've driven through traffic -- I just don't feel
14 like I'm speaking coherently.

15 (Inaudible asides.)

16 MS. MCELVER: Should I say my name again? Okay.

17 Linda J. McElver, M-c-E-1-v-as in Victor-e-r.

18 I would like to continue with the criticism. As a
19 person who's done approximately a thousand hours worth of
20 research on this topic, I found that the definition of an
21 emergency really doesn't quite fit in this whole entire
22 category. It's supposed to be something that's supposed to
23 threaten the life and health and safety of Californians.
24 And I find that when reading Wine Spectator Magazine, and
25 other periodicals and whatever, that in ground zero,

11

1 Temecula, the growers have been able to basically control
2 the problem really without the help of CDFA, with using
3 pesticides, with re-planting disease resistant stock rather
4 than the more Pierce's Disease prone devastation of the
5 Chardonnay and the Sauvignon Blanc grapes. All of these
6 different problems that they had might have been somewhat
7 lessened if they had bothered to prune off the diseased part
8 of the grapevines.

9 All of these different factors indicates that
10 there really was no widespread emergency. In Temecula the
11 year that they lost approximately 30 percent of their crop
12 they had a 25 to 30 percent surplus. So basically, they
13 didn't really lose anything. And it kind of, you know, even
14 though individual farmers, the whole impression as a
15 layperson is that these farmers didn't know what they were
16 doing. They planted their grapevines next to citrus that
17 are -- were infested with Glassy Winged Sharp Shooter, that
18 were carrying Pierce's Disease, that were carrying Pierce's
19 Disease, and it destroyed their wine grapes.

D1-6
(cont.)

D1-6

20 Now, when you listen to CDFA, CDFA will claim that
21 citrus is threatened by Glassy Winged Sharp Shooter and
22 Pierce's Disease. Well, this is not exactly true. It may
23 be threatened by Pierce's Disease if the citrus tree lived
24 in South America, was planted in South America. The
25 Pierce's Disease strain that affects citrus does not exist

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STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PUBLIC HEARING

Public Comment Period on the)
Draft EIR Impact Report)

13

U.S. COOPERATIVE EXTENSION AGRICULTURAL
COMMISSIONER'S OFFICE
LARGE CONFERENCE ROOM
4137 BRANCH CENTER ROAD
SACRAMENTO, CALIFORNIA

MEETING COORDINATOR STRATTON: We'll be here.

Just also, to let you know that we're accepting
written comments if you prefer not to talk. You can turn

those in tonight or you can mail them to me. The deadline
date for receiving comments is May 17th.

MR. SAMRA: I've already spoken, but can I respond
to the comments?

WEDNESDAY, APRIL 24, 2002

6:05 P.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1

MEETING COORDINATOR STRATTON: Sure.

MR. SAMRA: Richard Samra. I have numerous
friends that farm wine grapes in the Temecula region, and
wine grapes were in the Temecula region planted long before
Sharp Shooter showed up in that region, contrary to the
comments that have been made here. That's simply not true.
Growers don't have plant material currently that they can
replant a vineyard with that will resist Pierce's Disease.

That was also a misstatement by an earlier speaker. And I

just wanted to clarify that issue.

MEETING COORDINATOR STRATTON: Thank you.

If anybody changes their mind and would like to
speak, just sort of wave your hand, let us know.

MR. RAINS: Pro or con. All are welcome here.
(off the record.)

MEETING COORDINATOR STRATTON: Okay, everyone.

It's 8:00 o'clock. We thank you all for coming to the
public hearing, and is there anyone left that would like to

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D1-7
(cont.)

D1-9

D1-8

D1-10

14

1 make any comment? Or, if not, you can submit your written
2 statements in the box at the door on your way out. Comments
3 need to be mailed or turned in to me by May 17th.
4 And thank you all for taking time out from your
5 busy schedules to attend the meeting tonight. Drive safely.
6 (Thereupon the meeting was concluded
7 at 8:01 p.m.)

-oo-

**D1-10
(cont.)**

15

CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing United States Department of Food and Agriculture Hearing was reported by me and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this
6th day of May, 2002.

Valorie Phillips
Official Reporter

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

**LETTER D1: APRIL 24, 2002 PUBLIC MEETING TRANSCRIPT
(SACRAMENTO, CA)**

D1-1 This is a verbatim transcript of the introduction to the public meeting and summary of the Draft EIR, as presented at the meeting.

D1-2 See Master Response 4.

D1-3 See Master Responses 2 and 3.

D1-4 Comment noted.

D1-5 Comment noted.

D1-6 See Master Response 8.

D1-7 See Table 3-4 on page 3-7 of the Draft EIR for information on what strains of the Pierce's disease bacterium are currently present in California. Just as dry brush increases the fire danger in an area, having the glassy-winged sharpshooter in California increases the danger of major damage to susceptible crops once new strains of *Xylella* reach California.

D1-8 See Master Responses 2 and 3.

D1-9 This comment is consistent with information provided in the Draft EIR.

D1-10 This is the close of the public meeting.

**LETTER
D2**

CDFA, CDGS, Riverside county agricultural commissioner, and environmental consultant staff were available from 6 p.m. to 8 p.m. on April 25, 2002 in Room 13 of the Riverside County Administrative Center to receive public comment on the Draft EIR. No members of the public provided comments at the meeting.

LETTER D2: APRIL 25, 2002 PUBLIC MEETING (RIVERSIDE, CA)

D2-1 CDFA, CDGS, Riverside county agricultural commissioner, and environmental consultant staff were available from 6 p.m. to 8 p.m. on April 25, 2002 in Room 13 of the Riverside County Administrative Center to receive public comment on the Draft EIR. No members of the public provided comments at the meeting; thus, no response is provided.

**LETTER
D3**

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PUBLIC MEETING

Pierce's Disease Control Program
Environmental Impact Report

ii

APPEARANCES

Dave Whitner
Napa County Agricultural Commissioner

Susan Stratton
Senior Environmental Planner
Department of General Services

Jay Van Rein
Office of Public Information

Jim Rains
Environmental Specialist
Plant Health and Pest Prevention Services

Thomas E. Esser
Plant Health and Pest Prevention Services

Molly Scarborough EDAW, Inc.

RIESLING HALL

NAPA VALLEY EXPOSITION
575 THIRD STREET
NAPA, CALIFORNIA

MONDAY, APRIL 29, 2002

6:15 P.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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PROCEEDINGS

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-00-

Proceedings

1

AGRICULTURAL COMMISSIONER WHITMER: Welcome. My

Opening Comments

1

name is Dave Whitmer, I'm the Napa County Agricultural

Overview of Process

2

Commissioner. And let me welcome all of you here this

Public Comment

6

evening.

Martin Mochizuki, Director
Napa County Farm Bureau and
Vineyard Owner

7

I don't know whether to be pleased that there is

Nick Frey, Executive Director
Sonoma County Grape Growers Association

7

not a huge crowd tonight, or whether to be dismayed by that.

Linda McElver

7

Certainly the interest in the program I think we've seen

Lowell Downey

9

here in Napa County has indicated a great interest. But

Lowell Downey, letter from Jessica Hamburger,
Pesticide Action Network North America

12

maybe, on the other side, what we see in the turnout is some understanding of the program that wasn't here during the

D3-1
last meeting that we held in this room with the scoping

session. And perhaps maybe there's an understanding that

Paul Wagner

16

the program is and has been designed to take into

Linda McElver

17

consideration people's needs, issues and concerns.

Nick Frey

21

With a welcome always comes some introductions,

Lowell Downey, letter from Jessica Hamburger

21

and let me just thank my staff. Jeff Irwin is in the back

Frank Leeds, President

25

of the room, and he helped set this thing up. Jeff, thank

Adjournment

26

you very much for your work.

Matt, from my staff, is back there, the man in the dark glasses, with the Sharp Shooter information booth, and

23 thanks, Matt, for committing your time.

And let me thank publicly the Napa Valley Expo for
24 the use of the room. They've graciously donated the use of

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2

1 the community space for us this evening, and once again, the
2 Napa Valley Expo, it's kind of a local spot for community
3 gatherings on subjects of interest.

4 So welcome to all of you. Let me just point out,
5 we do have a fragrance free area for folks that are
6 concerned about the wearing of fragrances and concerns about
7 that, and so we ask if you have fragrance on this evening,
8 that you stay out of that area and respect that area for
9 those who have that concern.

10 Again, welcome to those of you who are here. Let
11 me turn it over to Jim Rains, who's going to give just a bit
12 of a review of the CEQA document process. Thank you.

13 MR. RAINS: Thank you, Dave.

14 I'm Jim Rains, I'm an Environmental Scientist,
15 Department of Food and Agriculture. I'll give you a real
16 brief summary of the EIR.
17 The California Department of Food and Agriculture
18 in coordination with the environmental consulting firm of
19 EDAW, Incorporated, has prepared a Draft EIR, Draft
20 Environmental Impact Report, or EIR, to provide an
21 environmental assessment for the proposed Pierce's Disease
22 Control Program.

23 The proposed program would be a statewide effort
24 to minimize the impact of Pierce's Disease in California. A
25 major strategy in this program is to reduce the spread and

3

1 occurrence of the Glassy Winged Sharp Shooter, or GWSS,
2 which is a non-major insect capable of spreading the disease
3 to new areas of California. CDEA is the agency responsible
4 for coordinating this statewide comprehensive program, and
5 is the lead agency for this EIR. The County Agricultural
6 Commissioner would generally have the responsibility for
7 local implementation of this program, with coordination from
8 CDEA.

9 The proposed program evaluated in the Draft EIR is
10 an extension of an ongoing program and regulations which
11 were mandated by the California State Legislature to control
12 Pierce's Disease and the Glassy Winged Sharp Shooter.
13 The Draft EIR focuses on four environmental
14 topics. I believe the first board over here on the left
15 shows you. These topics are agriculture and land use,
16 hazards, water quality, and biological resources. Other
17 issues were dismissed after preliminary review and scoping
18 as having no potential for significant impacts. The Draft
19 EIR also includes an analysis of potential cumulative
20 impacts of the implementation of the program, including
21 past, present and anticipated future uses of pesticides by
22 other state and local jurisdictions and private growers and
23 homeowners.
24 The Draft EIR concludes that with the
25 implementation of the additional safeguards provided within

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D3-1 (cont.)

D3-1 (cont.)

4

1 the Pierce's Disease Control Program, all of the potential
2 environmental impacts would be less than significant.
3 A summary of the safeguards included in the
4 program is provided on pages 2-5 to 2-13 of the Draft EIR.
5 The Draft EIR also considers a range of reasonable
6 alternatives to the proposed program that make up the
7 program's basic objectives. These are listed on the -- I
8 believe the second board over here. They include a no
9 project alternative and a range of alternatives which would
10 lessen the use of pesticides.

11 Chapter 8 also evaluates alternative control
12 methods for the effectiveness in containing the spread of
13 Pierce's Disease and GWSS. As discussed in chapter 8,
14 feasible alternatives to the program would not meet the
15 goals of the program. Several of the alternatives evaluated
16 would limit the use of pesticides in the short term.
17 However, if these alternatives were implemented the EIR
18 concludes that it is - it is likely that pesticide use
19 would increase in the state as more growers and homeowners
20 independently treated their properties to control GWSS
21 infestations.

22 That's essentially the EIR, in about two minutes.
23 And with that, I would like to hand the program over to Dr.
24 Susan Stratton, who is a Senior Environmental Planner with
25 the State Department of General Services, and she will

5

1 explain the format of tonight's meeting.
2 DR. STRATTON: Thank you, Jim. Thank you everyone
3 for being here.

4 The format is as follows. It's not too different
5 from if you were here a year ago. We have speaker cards at
6 the back two tables, and anyone that wishes to speak, if you
7 would sign up with the cards, turn them in to Molly, who's
8 sitting over here, and she will call up the speakers and
9 come to the podium over there to my right, your left.

10 Each speaker will have three minutes for their
11 presentation. When there's one minute left I will hold up a
12 yellow card so that you sort of have an idea to kind of wrap

13 it up. And at the end of three minutes, there's this really
14 obnoxious little ringing bell that will go off.

15 MR. DOWNEY: Under the conditions that there's
16 hardly anybody here, is that three minutes really going to
17 hold?

18 DR. STRATTON: Well, actually, you can have like a
19 second and a third time around. I'd like to let everybody
20 get their first three minute shot at it, and then,
21 absolutely, since we do have like two hours and 45 minutes,
22 we will certainly be glad to entertain a second trip and a
23 third trip. But each time, we need to let Molly know,
24 because we have to get everyone down in the record. So if
25 you just fill out a speaker card again.

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**D3-1
(cont.)**

**D3-1
(cont.)**

6

1 And then when you do come up, I'd ask that you
2 clearly state and spell your name for the recorder, so that
3 we can get all of the information as accurate as possible.
4 And I think that'll do it, so, Molly, take it
5 away.

6 MS. SCARBROUGH: Thank you. The first speaker,
7 Martin Mochizuki.

8 MR. MOCHIZUKI: Which one do I talk into, this?
9 Okay.

10 My name is Martin Mochizuki, I'm owner of a
11 vineyard management company here in Napa, and also a
12 director of the Napa County Farm Bureau.

13 First off, I'd like to thank the department for
14 their thoroughness and thoughtfulness in drafting this EIR.
15 And I believe also I'd like to thank the local Ag
16 Commissioners in Napa and Sonoma Counties, Dave Whittner and

17 John Westerby, for their insightfulness and diligence with
18 the -- developing the local plans. They met with a very
19 diverse group of individuals, and they hammered out a plan
20 that was pretty much accepted by all.

21 And I just want to say that this is something
22 that's really needed to preserve agriculture and wine grape
23 growing in these areas as we now see it, and to also
24 preserve the economy of the whole area.
25 Thank you.

7

(Applause.)

DR. STRATTON: Thank you.

MS. SCARBROUGH: Thank you. Nick Frey.

MR. FREY: My name is Nick Frey, Executive

Director of the Sonoma County Grape Growers Association.

D3-3

I just want to echo Martin's words that the EIR
looks like a thorough document that explored a lot of
alternatives, and I would concur that the proposal that
you've laid out seems to represent a good balance that
supports our local agricultural industry, and also I think
it offers protection to the environment that -- where we
have unanticipated or unexpected outcome, should an
infestation occur here.

So I thank you for your work, and on behalf of the
growers in Sonoma County, we certainly support the EIR.

D3-2

MS. SCARBROUGH: Thank you.
(Applause.)

MS. SCARBROUGH: Linda McElver.
MS. MCELVER: My name is Linda McElver, L-i-n-d-a,
M-c-E-l-v-e-r.

D3-4

First of all, I would like to thank CDFC for
providing a fragrance free area. I brought with me today,
as an educational example, the brand-new State of California
Cleaner Air Disability sign that is used on a voluntary
basis. This sign is for people with hyper-reactive airway

8

1 disease, that I have, chemical intolerance, and other type
2 of chemical sensitivity disorders.
3 Basically, when this sign is displayed there would
4 be no pesticides in that area, no fragrances allowed, no
5 toxic cleaning chemicals, or anything else that might
6 trigger respiratory distress.

**D3-4
(cont.)**

9

7 Pesticides are recognized to cause respiratory
8 distress. The reason it doesn't say it on the label is
9 because it's probably the inert ingredients, or the
10 synergistic effects of the inert ingredients, combined with
11 the active ingredient. I have talked to EPA scientists and
12 they pretty much are in agreement that the petroleum
13 distillates which are also found in fragrances and in
14 pesticides are the probable cause of the life threatening
15 asthma attacks.

D3-5

1 time, mostly due to the trip, coming here.
2 One of the things it's important for CDFA in this
3 EIR to remember, is that due to this new research, they need
4 to address the issues of this disabled group, which are not
5 being protected by this program.
6 Thank you.
7 (Applause.)

**D3-5
(cont.)**

MS. SCARBROUGH: Lowell Downey.
MR. DOWNNEY: I object to the draft's findings on
the harmlessness of pesticides, the inadequacies of
alternative methods to pesticides, and the state's right to
forcibly spray poisons on residents.

I started this whole thing out by talking about
the scientists -- the scientists have agreed that global
warming is happening. The Draft EIR report does not account
for the heating up of our environment, the continued
movement of insects from tropical climates to northern
climates, the potential for far worse devastation in the
future, and the impact that institutionalizing the model for
forced pesticide spraying can have on future populations.

D3-7

I object to the finding that the loss of organic
farming industry will be less than significant.
This draft states that all potential environmental impacts
would be less than significant. The report says pesticide
chemicals cannot be guaranteed to not harm people or the
environment.

D3-8

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10

1 environment. Only reasonable assurance of no harm can be
2 provided. The report states that the pesticides used in
3 this program are by reasonable assurance not the chemicals
4 that will kill you. They argue more than one formula can be
5 used to calculate cancer risk; a single limited exposure to
6 a carcinogen does not necessarily cause a measurable
7 increase in the occurrence of cancer.

8 Because my time is limited here, I just want to go
9 to the point, the reasons I object to the government -- the
10 statistical analysis game the government is playing here in
11 evaluating their plan and action based on a risk benefit
12 analysis.

13 I object to this report because I think it is
14 really weak on many different levels. The most important
15 part that I object to, as the study looked at each
16 alternative as a solution unto itself, and because the
17 isolated alternative couldn't stand up against chemical
18 warfare and insect invasions, they killed it. You took on
19 each individual one, and analyzed it by itself. You did not
20 do a study of the potential of all the alternatives working
21 together during an infestation. You came close to this, but
22 you discounted it when you discounted the IPM programs.

23 CDEA discounted four alternative plans. Only one
24 plan was genuine. The other three, in my view, were not
25 even valid arguments, considering the seriousness of the

11

1 Pierce's Disease program.

2 I suggest that you missed an alternative solution.
3 Alternative C carried out the Pierce's Disease program, but
4 without use of the conventional pesticides in non-
5 agricultural areas. This plan was discounted for the reason
6 that the Glassy Winged would populate our backyards without
7 the use of pesticides. This assumption is wrong. They did
8 not make an assessment of a result considering how all of
9 the alternatives could be used together, nor was there a
10 study considering use of alternatives and pesticides
11 together.

12 I propose Alternative D. D offers the full
13 Pierce's Disease program, use of conventional pesticides in
14 non-agricultural areas, and a complete alternative program
15 provided to all schools, daycare centers, elderly centers,
16 medical clinics, and for residents who do not want pesticide
17 spraying. The program I propose requires a more diligent
18 alternative treatment program in the areas not to be sprayed
19 with pesticides. This program does not restrict pesticides
20 from all non-agricultural areas, and I know I'm at odds with
21 many for taking this step.

22 The plan is a viable alternative, and I really
23 want our community to think about it. I really want this to
24 be addressed with the CDFA. I believe it provides for a
25 suitable program to eradicate the Glassy Winged, a mandatory

**D3-9
(cont.)****D3-10****D3-10
(cont.)**

5 DR. STRATTON: Anybody else who would like to
6 speak?

7 MR. DOWNEY: Jessica Hamburger, from the Pesticide
8 Action Network sent me something, and I was wondering if I
9 could read that from her. Is there any objection to that?

10 DR. STRATTON: No.

11 MR. DOWNEY: Just an abbreviation of what she
12 said.

13 DR. STRATTON: No, fine.

14 MS. SCARBROUGH: Please spell her name.

15 MR. DOWNEY: Okay. Jessica Hamburger, like

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1 abatement program, and a protection against forced spraying.
2 Most importantly, this program unravels the abuse
3 of authority and stops the state campaign of violence on the
4 public. Forced pesticide spraying is an act of violence and
5 abuse. We cannot tolerate our government, on behalf of
6 business, to act in this way.

7 So I'm -- the draft is not acceptable. It'll take
8 a little bit of longer problems to solve it, but I believe
9 it can be done if we take that little suggestion about going
0 maybe to Alternative D. And as I mentioned before, I will
1 submit that to you in writing, too, as well.

2 DR. STRATTON: Thank you.

3 MS. SCARBROUGH: That's all the comment slips I
4 have.

5 DR. STRATTON: Anybody else who would like to
6 speak?

7 MR. DOWNEY: Jessica Hamburger, from the Pesticide
8 Action Network, sent me something, and I was wondering if I
9 could read that from her. Is there any objection to that?

10 DR. STRATTON: No.

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12 said.

13 DR. STRATTON: No, fine.

14 MS. SCARBROUGH: Please spell her name.

15 MR. DOWNEY: Okay. Jessica Hamburger, like

D3-13

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1 hamburger. Jessica, J-e-s-s-i-c-a, Hamburger, H-a-m-b-u-r-g-e-r-
2 g-e-r. Pesticide Action Network North America.
3 Finding of a less than significant impact to
4 health of residents, the USEPA and California Department of
5 Pesticide Regulation considered the potential exposure of
6 people to residues of pesticide when evaluating it for
7 registration, and to determine any restrictions necessary to
8 ensure that it can be used safely.

9 This statement implies that EPA and CDPR
10 evaluations are based on studies that are conclusive,
11 reliable and comprehensive. In fact, the studies done on
12 toxic chemicals are not conclusive because they generally
13 assess health and effects on laboratory animals, and
14 extrapolating the results to humans involves a large degree

15 of uncertainty. This report concurs with the position in
16 Appendix P, chemical hazard and risk evaluation.
17 In addition, many studies are unreliable because
18 they are performed at the behest of industry sponsors for
19 its histories of withholding and suppressing unfavorable
20 data. For example, companies producing the pesticide DPCP
21 neglected to report findings of reduced sperm and atrophied
22 testicles of rabbits and monkeys, when they submitted
23 information to fulfill regulatory requirements for
24 registration and labeling.
25 DPCP subsequently caused the sterility of

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14

1 thousands of banana plantation workers. They are not
2 comprehensive because they do not test for all possible
3 health effects, and they usually do not include testing of
4 the inert ingredients in pesticides.

5 Many experts would disagree with the statement in
6 this report that the best that can be offered is reasonable
7 assurance, based on substantial available data, that the
8 hazard potential is less than significant. They would
9 instead recommend the application of the precautionary
10 principle.

11 As then New Jersey Governor Christine Todd Whitman
12 said in an October 2000 speech to the National Academy of
13 Sciences, policy makers need to take a precautionary
14 approach to environmental protection. We must acknowledge
15 that uncertainty is inherent in managing natural resources,
16 recognize it is usually easier -- recognizing that it is
17 usually easier to prevent environmental damage than to
18 repair it later, and shift the burden of proof away from
19 those advocating protection toward those proposing an action
20 that may be harmful.

21 This report states the registration program use
22 restrictions and monitoring would ensure that pesticides are
23 applied with a reasonable certainty of no harm to human
24 health or environment. This statement implies that existing
25 regulations are sufficient to safeguard human health. In

15

1 fact, there is significant evidence that current regulations
2 are inadequate to protect human health even from widely used
3 household pesticides. Durzban is a case in point.

4 And she goes on with another explanation. Finding
5 of less than significant impact of destruction of use of
6 beneficial insects to manage agricultural pests.

7 I want to jump on ahead to a point that she brings
8 up that we talked about with Surround, that I wanted to use
9 when we talk about alternatives. That this is, in my view,
10 Surround can be used as a containment issue, where, say you
11 have an infestation in one area, that's -- like a new
12 development, that's alongside of a vineyard. If that
13 vineyard is coated with Surround, we could use Surround
14 around the area to contain the insect in the infested area.
15 There are many different ways that alternatives are proposed
16 that haven't really been studied with this program.

17 And I would really like, as you start to read
18 these, this information and these studies that are -- we're
19 going to be sending them to you in these requests that we're
20 sending to you, that you would consider them more
21 thoroughly, and more fully.

22 DR. STRATTON: Thank you.

23 FROM THE AUDIENCE: Can I fill out a speaker card?

24 MS. SCARBROUGH: Absolutely.

25 FROM THE AUDIENCE: Or can I just speak and tell

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D3-16
(cont.)

D3-17

D3-14
(cont.)

D3-18

D3-15

D3-19

D3-16

16

1 you my name?
2 MS. SCARBROUGH: Yes. Spell your name, please.
3 MR. WAGNER: Okay. My name is Paul Wagner, and I
4 live here in Napa County. That's W-a-g-n-e-r. And I want
5 to clarify something, because I think Lowell may have
6 misunderstood the last six months of meetings we've had at
7 the Glassy Winged Sharp Shooter Task Force.

8 As I understand this, essentially what Lowell has
9 suggested is exactly the plan that's in place, which is Plan
10 D. That is the plan that gives our Agricultural
11 Commissioner the opportunity to create a Glassy Winged Sharp
12 Shooter control plan that will, in fact, include all sorts
13 of treatments based on his perception of what will work and
14 what is acceptable to the community.

15 And he has time and time again, with the meetings
16 that we've gone through and the many different members of
17 the community we've met with, assured people that that's
18 exactly what he's going to do. The only time that we would
19 go beyond such a treatment program would be if the
20 alternatives suggested by Mr. Downey prove to be ineffective
21 at eliminating the Glassy Winged Sharp Shooter.

22 So it seems to me that, in fact, you're getting
23 exactly what you want, and it seems to me that the plan is
24 brilliantly conceived.

25 Thank you.

17

1 DR. STRATTON: Thank you.

2 MS. SCARBROUGH: Linda.

3 MS. MCELVYER: Linda McElver, again.

4 I just want to speak to the comment that we're
5 getting exactly what we want. I moved here because I almost
6 died from pesticide fine particle mist in the air that was
7 within a half a mile of my house. None of my neighbors
8 sprayed pesticides. It was coming from a half a mile away,
9 or more. This was documented by a Department of Pesticide
10 Regulations in another state.

D3-20
D3-21

11 The life threatening effects do not have to happen
12 just on your property. If the spray is in the air, as it is
13 when you just drive through on Route 5, people are having
14 problems. Today, when I was driving up through 101, I had
15 to wear a pesticide respirator in the car. There was no one
16 spraying pesticides. They were just in the air. So I'm
17 going to file a pesticide poisoning complaint, you know, for
18 a section of 101 freeway and nobody was spraying.
19 When is it safe for people who have hyperactive
20 airway disease with pesticides? Zero. No exposure at all.
21 Some people will require a one mile no spray zone
22 to truly protect their health, or more. We're talking about
23 fine particle mist that's less than one part per trillion,
24 not at the level that any government agency protects us at.
25 Currently the standards are one part per billion.

18

I agree with Mr. Downey's assessment of the alternatives. I have an organic garden, 60 grapevines, 37 fruit trees, and vegetable gardens. And so I'm sort of like a little urban farmer. I can't use any pesticides at all.

So if the Glassy Winged Sharp Shooter came in my area, I would have to try to encourage my neighbors to fence, to use Kaolin clay, to use any other alternative, rather than spray. And if I had to change the variety of grapes because the ones I had were not as resistant to the disease, that would be fine. But I'm very opposed to a program that forces toxic chemical trespass on people's property and calls sick and dying people insignificant, especially when the numbers of that disabled population can range as high as five percent. Sixty thousand deaths a year are due to cardiac failure. When your lungs start to constrict, your heart stops. This is exactly what happened to me from a whiff of pesticides in the air.

I can't emphasize enough. You can't spray near sick people. The coastal areas of California are safe havens for this disabled population. My department, my Ag Commissioner informed me that unless alternatives are provided this is a spray program, and he has to follow orders. So we don't have any guarantee of alternatives. And we don't have any protection. And this is against the American Disabilities Act

19

DR. STRATTON: Thank you, Linda.

Do we have any new speakers, any repeat speakers?

Lowell.

D3-23

MR. DOWNEY: Lowell Downey, again. I just want to come back with your comment.

Forced pesticide spraying is still on the agenda. Sick people at home, people with AIDS, medical clinics, hospitals, daycares, schools, children and the elderly, there should be a zero tolerance. I will stand up here the entire time. We are on -- we will be here all the time until we get that protection.

I am -- we are fully in support of a mandatory abatement program. We believe that this is a serious problem affecting the farmers and the economy of our

community. We have -- these people have to be protected. There is no way that we will accept a state forced pesticide spraying. It's almost like we're in an occupied territory and they're going to forcibly come -- there's people out there that don't feel safe in their homes because of this plan out there.

D3-24

There are people out there that I'm concerned about that will not be protected. Fortunately, Dave Whitmer is a really good guy, and he's really going to be there to protect them. But if the state forces him to do a bad thing, it's not going to be very helpful. It's not going to

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D3-26

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1 be in the interest of our community and the people of our
2 community that are sick.

3 So what we're looking for here is for the state to
4 do the alternative testing that's required in order for us
5 to know if the alternatives are going to work. There has
6 not been one state study of alternatives in the
7 neighborhood, of using these alternatives in a neighborhood.

8 Not one study has been shown. They've used wasps, down in
9 Santa Clara, but not a comprehensive study has been done on
10 this. That is what we're asking for, so that we can see if
11 whether these alternatives, and how these alternatives can
12 work.

13 We did a survey in our community of people that
14 would want alternatives and those who would want pesticides.
15 A lot of people want alternatives. I'm sure once Dave gets
16 out there, maybe out of nine people who wanted alternatives,
17 maybe four people would be persuaded to use pesticides
18 because -- because of the way it's been -- they're educated,
19 and they say that it's not going to be harmful. Maybe there
20 are four people that would want to be protected.

21 Well, we can protect them. We can use these
22 alternatives and we can create a program that can protect
23 those people. And I know we can do that. I want to see it
24 written, in writing, that we can protect these people, and I
25 want to see the statement on to protecting the people in

**D3-26
(cont.)**

21

1 our community. That's what we're up here asking for.
2 DR. STRATTON: Is there anybody else out there
3 that would like to speak, or until we get another speaker
4 card, any repeat speakers who would like to continue?

5 Rather than interrupting you every three minutes, Lowell,
6 Linda, Paul, Nick, Martin? Anybody?

7 Okay. No time limit, until we get another speaker
8 card. So have at it.

9 MR. FREY: Nick Frey. The only thing I would come
10 back to of your conclusion of no significant impact. This
11 program relative to other normal activities, whether it's
12 driving a car that's putting all kinds of pollutants in the
13 air that are threatening, or -- or pesticide use, or smoke,
14 or whatever it would be, the magnitude of this program to

15 fight a small infestation of Glassy Winged Sharp Shooter is
16 very small. It doesn't mean the risk has not changed, but
17 the amount of change in that risk I think is not
18 significant. And then I hope that the program would
19 certainly be implemented in a way that's sensitive to people
20 who indeed are at risk, and those risks can be accommodated.

21 DR. STRATTON: Thank you.
22 Okay. Lowell, in for Jessica Hamburger.

23 MR. DOWNEY: Hi, I'm Jessica Hamburger.
24 Finding that conversion of organic farms and non-
25 organic farms is a less than significant impact. This
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21

**D3-27
(cont.)**

D3-28

D3-29

D3-30

22

1 report states organic farms could be temporarily converted
 2 to non-organic farms. However, this conversion would not
 3 result in a conversion of agricultural lands to non-
 4 agricultural use. This claim ignores the economic reality
 5 facing many organic farms, which depend on organic premiums
 6 to survive. Loss of organic certification, even
 7 temporarily, can drive these farms out of business and lead
 8 to the conversion of the land to non-agricultural uses.

9 On the other hand, if organic farms are converted
 10 to conventional farms, this will result in significant
 11 damage to human health and the environment through the
 12 increased use of pesticides and chemical fertilizers.
 13 On human health. Conventionally grown produce
 14 poses a greater threat to human health through pesticide
 15 residues on food and farm worker poisonings, both of which
 16 are likely to increase if organic farms are converted to
 17 non-organic farms. State monitoring of California produce
 18 revealed that 35 percent of fruits and vegetables tested had
 19 pesticide residues. On average, 665 cases of poisoning by
 20 agricultural pesticides were reported each year from '91 to
 21 '96, with many more cases going unreported.

22 Water pollution. Pesticide intensive conventional
 23 agriculture has contributed to the contamination of ground
 24 and surface water, and associated contamination of fish.
 25 Such impacts are greatly reduced on organic farms, where

23

1 synthetic pesticides are not used and nutrients are
 2 carefully managed to reduce or eliminate runoff and leaching
 3 to groundwater. Pesticides have been detected in the
 4 sources of water supplies serving 16.5 million people in 46
 5 of California's 58 counties over the past ten years. Some
 6 of these contaminated aquifers are the sole source of
 7 drinking water for rural communities.

8 Pesticide residues were detected in almost all of
 9 the 119 species examined in a nationwide survey of fish
 10 tissue. Pesticides are carried in water and soil flowing
 11 off crop land into streams and lakes. They also drift
 12 directly into water bodies. Pesticides impact fisheries by
 13 directly poisoning fish, by eliminating the insects and the
 14 invertebrates fish eat, or by killing the aquatic plants
 15 that reduce oxygen levels as they decompose.

D3-31

16 Pesticides impact the fishing industry through
 17 direct losses of fish and through the contamination of fish
 18 tissue, which has led to health advisories directing people
 19 to limit their intake of freshwater and estuarine species.
 20 Pesticides kill an estimated 6 to 14 million fish per year,
 21 but this estimate is low because most fish kills go
 22 unreported.

D3-32

23 Wild bird losses. Pesticides affect bird
 24 populations through direct poisoning. The consumption of a
 25 contaminated prey reduce survival and reproduction, and the

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**D3-32
(cont.)****D3-30
(cont.)**

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 2 carefully managed to reduce or eliminate runoff and leaching
 3 to groundwater. Pesticides have been detected in the
 4 sources of water supplies serving 16.5 million people in 46
 5 of California's 58 counties over the past ten years. Some
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 18 tissue, which has led to health advisories directing people
 19 to limit their intake of freshwater and estuarine species.
 20 Pesticides kill an estimated 6 to 14 million fish per year,
 21 but this estimate is low because most fish kills go
 22 unreported.

D3-33

24

1 elimination of food sources in refuges. A conservative
 2 estimate places the number of birds killed by pesticides per
 3 year in the United States at 67 million.

4 Depletion of natural resources. The methods of
 5 conventional agriculture are often incompatible with
 6 practices that conserve soil, water, biodiversity resources.

7 Not only has pesticide use disrupted the balance of the
 8 ecosystems by polluting the air and water, but conventional
 9 farms often fail to provide the wildlife habitat typical of
 10 more diverse organic farms.

11 And then she goes on to the clay there, and --
 12 clay and biological control could be used together as an
 13 alternative to synthetic pesticide applications in
 14 residential areas. Pest control operators can contain the
 15 Sharp Shooter within a residential area by applying
 16 surrounding properties around the periphery of the infested
 17 area and then release parasitic wasps to keep their
 18 population under control within that boundary, along with a
 19 lot of other different alternative uses.

20 But, and I just want to say if we have a pocket
 21 here, an area of a daycare center, or a school, or somebody
 22 who needs it, and the uses of pesticides that have been
 23 deemed controlled and acceptable by Dave Whithier and the
 24 uses of that, using those two together may solve a lot of
 25 these problems that we in the public find abhorrent about

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I'm on the Glassy Winery action team here in Napa. I'm also

25

**D3-35
(cont.)****D3-33
(cont.)**

1 the use of -- forcing pesticide on people.
 2 DR. STRATTON: Thank you, Lowell, aka Jessica.
 3 We appreciate it.

4 I just want to mention, for folks that don't wish
 5 to speak, we do have written comment forms that you can fill
 6 out. There's a collection box over to my right, your left.
 7 Or feel free to mail them in. We're taking written comments
 8 through May 17th.

9 Anybody else out there that would like to get up
 10 here and speak on the Draft EIR? Any comments?
 11 Okay. Thank you very much. And again, let me
 12 remind you, written comments are accepted until May 17th.
 13 There's also a handout in case if anyone would like to
 14 attend our two other meetings. There's one tomorrow night
 15 in Tulare, and one Wednesday night, in San Luis Obispo.
 16 Thank you.

17 (Off the record.)
 18 MR. LEEDS: Is this on?
 19 DR. STRATTON: Yes.
 20 MR. LEEDS: Okay. My name is Frank Leeds. I'm
 21 here to represent the Napa Valley Grape Growers Association,
 22 and also represent myself as a third generation grape grower
 23 in the Township of Rutherford.
 24 I'm President of the Napa Valley Grape Growers.
 25

D3-37

26

1 your state Pierce's Disease Glassy Winged grower
2 representative for the north coast. And I'm here to urge
3 approval of the EIR, and for everybody to work together to
4 implement our Glassy Winged plan here in Napa.

5 I think we've been very inclusive. We've worked
6 with the Sierra Club, we've worked with Pesticide Action
7 Network. They've been included to craft this. I don't
8 think it's as restrictive as some grape growers think, and
9 definitely there's a possibility of using pesticides, which
10 obviously some environmental groups don't like. But I think
11 it's a workable compromise. And it's our best chance of
12 keeping the Glassy Winged Sharp Shooter out of Napa County.

13 As long as we can keep this Glassy Winged Sharp Shooter out
14 of Napa, pesticide use will be much reduced. If the insect
15 gets into Napa, a lot of pesticides are going to be used.

16 I'm an organic grape grower. I live on my ranch
17 with my two daughters and my wife. I don't want to see a
18 lot of pesticides being used in Napa Valley, and so one of
19 the reasons I got on the Glassy Winged team and tried to
20 work to keep this insect out.

21 So again, please approve the EIR and our Glassy
22 Winged action plan. Thank you.

23 DR. STRATION: Thank you very much, Frank. Okay.
24 (Thereupon the Public Meeting was
25 concluded at 8:04 p.m.)

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27

CERTIFICATE OF REPORTER

I, JAMES RAMOS, an Electronic Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing United States Department of Food and Agriculture Hearing was reported by me and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2002.

James Ramos
Official Reporter

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D3-37

**LETTER D3: APRIL 29, 2002 PUBLIC MEETING TRANSCRIPT
(NAPA, CA)**

D3-1	This is a verbatim transcript of the introduction to the public meeting and summary of the Draft EIR, as presented at the meeting.	D3-9	See Master Response 2.
D3-2	Comment noted.	D3-10	See Master Response 7.
D3-3	Comment noted.	D3-11	Comment noted.
D3-4	Comment noted.	D3-12	See Master Response 7.
D3-5	See Master Response 3.	D3-13	Comment noted.
D3-6	This comment does not provide specific points to respond to. See Master Responses 2 and 7. As described in Chapter 9 of the Draft EIR, CDFA understands that some members of the public may be upset over what is characterized as “involuntary exposure.” One of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.	D3-14	See Master Response 2.
D3-7	The worldwide changes to the environment identified by the commenter involve many elements, and are too complex to be adequately treated in the Draft EIR. The pesticide use component of the PDCP is in conformance with the general principles adhered to by existing government authorities. This is a policy issue rather than a component of environmental impacts of the PDCP.	D3-15	A “precautionary principle” doctrine involves many elements, and is too complex to be adequately treated in this document. Suffice it to note that precaution that is too narrowly focused may lead to adverse consequences elsewhere. Risk-benefit analysis is often used to balance competing interests. The pesticide use component of the PDCP is in conformance with the principles adhered to by existing government authorities. This is a policy issue rather than a component of environmental impacts of the PDCP.
D3-8	See Master Response 10.	D3-16	See Master Response 2.
D3-17	The point of this comment is unclear. An analysis of the potential impacts to non-target insects from PDCP pesticide treatments is provided on page 5.4-10 of the Draft EIR. An analysis of the potential disruption of pest management programs through loss of some beneficial insect species is provided on page 5.1-7 of the Draft EIR. Populations of affected insects would recover through recolonization after treatments; therefore, the temporary loss of non-target insects and potential disruption of pest management programs are considered to be		

	D3-23	See Master Response 7.
	D3-24	See Master Response 3.
D3-18	Kaolin clay is a repellent that reduces the movement of glassy-winged sharpshooter onto the treated crop (see Draft EIR page 8-9). Recent data are showing that such treatments can reduce glassy-winged sharpshooter numbers in the treated area, but there are no data showing the glassy-winged sharpshooter will refuse to cross the barrier and thus could be contained. As noted on page 8-9 of the Draft EIR, because the clay repels the glassy-winged sharpshooter but does not kill them, the glassy-winged sharpshooters will simply go elsewhere.	See Master Responses 3 and 7. Legal review has found that the PDCP is not in violation of the Americans with Disabilities Act (ADA).
	D3-25	See Master Responses 2, 3 and 7.
	D3-26	See Master Responses 2, 3 and 7.
	D3-27	See Master Response 7. Parasitic wasps were released at two sites in southern Santa Clara County. It is too early to determine if they became established or what impact they might have had on the glassy-winged sharpshooter populations present. See Draft EIR page 8-7 for a discussion of biological control of the glassy-winged sharpshooter.
	D3-28	This comment is consistent with the information provided in the Draft EIR.
	D3-29	See Master Response 3.
	D3-30	See Master Response 10.
D3-19	Responses to additional comments provided by Mr. Lowell Downey are provided in response to letter B16. CDFA did not receive any comment letters or additional information from Ms. Jessica Hamburger.	See Master Response 3.
D3-20	See Master Responses 1 and 7. The county agricultural commissioner, or other agency designated by the Board of Supervisors of each county, would have the responsibility for local implementation of the program, with coordination by CDFA. The county workplans may vary slightly to account for local conditions. CDFA must approve county workplans prior to allocating state funding for the local program.	See Master Response 3. The issue is discussed in the Draft EIR. Conversion of organic farms to non-organic farms is not a likely outcome from this program.
D3-21	Comment noted.	The potential ramifications of using pesticide materials are well known and documented. A comprehensive regulatory program is in place to minimize their potential undesirable effects while continuing to reap the sizable benefit which their use accrues. See Master Response 2.
D3-22	See Master Response 3.	

D3-33 This was a greater problem when organo-chlorine pesticides like DDT were used. See Master Response 5. The PDCP avoids this kind of problem by following label restrictions on pesticide use and through our consultations with CDFG and USFWS. See Appendix L of the Draft EIR.

D3-34 Comment noted.

D3-35 See response to comment D3-18.

D3-36 In this comment, Dr. Stratton is giving closing remarks for the public meeting.

D3-37 Comment noted.

**LETTER
D4**

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PUBLIC HEARING

Pierce's Disease Control Program)
Environmental Impact Report)

ii

APPEARANCES

Gary W. Kunkel
Tulare County Agricultural Commissioner

Jim Rains
Environmental Specialist of Food and Agriculture
California Department of Food and Agriculture

Susan K. Stratton
Senior Environmental Planner
Department of General Services

Molly Scarbrough, EDAW Inc.
Environmental Planner

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

4437 S. LASPINA
TULARE, CALIFORNIA

TUESDAY, APRIL 30, 2002
6:05 P.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Tulare County Agricultural Commissioner

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Jim Rains, CDFA

Public Comment

Richard Matoian, President
California Grape and Tree Fruit LeagueScott Mabs
Director, Grower Services
Citrus MutualJim Sullins
UC Cooperative Extension, Tulare County

Adjournment

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2

2

AGRICULTURAL COMMISSIONER KUNKEL: I'd like to

4 welcome everybody to Tulare County for this evening's public

5 comment opportunity regarding the Pierce's Disease Glassy

6 Winged Sharp Shooter Control Program.

7 Tulare County is the number one ag country in the

8 state, I'm pleased to say, as of today. One of my favorite

9 quotes that I heard a long time ago at the Farm Bureau is

10 that the future is determined by those who show up, and by

11 showing up tonight you'll at least have a chance for your

12 input to be counted as we move forward in our effort to

13 control Sharp Shooters.

14 And for those of you not from Tulare County -- I

15 think most of you probably are -- for those of you not from

16 Tulare County, I'll point out that in Tulare County we have

17 three zones known to have Glassy Winged Sharp Shooters, and

18 our primary one is in the City of Porterville, where we have

19 something under 700 properties that we know have Sharp

20 Shooter, and we've done two rounds of -- we've done

21 treatments over two years in the Porterville area. It's

22 still confined in that area to Porterville. We have a

23 smaller zone near Magnolia, a packing house which is just

24 south of Porterville, and we have another small zone in the

25 City of Terra Bella, just a very few properties there.

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D4-1

1 But the good news in Tulare County is what we
2 don't have, is Glassy Winged Sharp Shooter out in our grape
3 production area at all, and the effort here is to keep it
4 there, and so far, so good, knock on wood. We seem to be
5 holding our own.

6 But I would like to welcome everybody tonight.

7 For housekeeping, the restrooms are just outside this door
8 here, men's over here to this side, women's over here to
9 that side. The front doors are open, people can come and go
10 as they want.

11 I apologize for the echo in here. That's an issue
12 that's a design flaw that's being resolved. This building
13 is only about a year old now, and one day we hope to have
14 this echo fixed. But until then, we all have to kind of
15 tolerate it.

16 So having said that, I'd like to turn it over to
17 the program people, and we'll continue.

18 EIR PROJECT MANAGER RAINS: Hi, how you doing? My
19 name is Jim Rains, I'm the Project Manager for the EIR, and
20 I'd like to give you a real quick summary before we move on
21 to the comments.

22 The California Department of Food and Agriculture,
23 in coordination with the environmental consulting firm of
24 EDAW, Incorporated, has prepared this Draft Environmental
25 Impact Report, or EIR, to provide an environmental

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1 assessment for the Pierce's Disease Control Program. The
2 proposed program would be a statewide effort to minimize the
3 impact of Pierce's Disease. The major strategy in this
4 program is to reduce the spread and occurrence of the Glassy
5 Winged Sharp Shooter, GWSS, which is a non-native insect
6 capable of spreading the disease to new areas of California.

7 CDFA is the lead agency for coordinating this
8 statewide effort, and is the lead agency for this EIR. The
9 Agricultural Commissioner would have the responsibility for
10 implementation of the program, with coordination by CDFA.

**D4-1
(cont.)**

**D4-1
(cont.)**

11 The proposed program evaluated in the Draft EIR is
12 an extension of an ongoing emergency program and regulations
13 which were mandated by the legislature to control Pierce's
14 Disease and GWSS. The Draft EIR focuses on four
15 environmental impacts, agriculture and land use, hazards,
16 water quality, and biological resources. Other issues were
17 dismissed early on as having no potential for significant
18 impacts.

19 The EIR also analyzes potential cumulative
20 impacts, which is a CEQA requirement, which equates the
21 program's contribution of pesticide use with those of other
22 projects, including past, present and anticipated future
23 uses of pesticides by the state, local, and private growers
24 and homeowners. The Draft EIR concludes that with the
25 implementation of the additional safeguards provided within

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4

1 the Pierce's Disease Control Program, that all of the
2 potential impacts would be less than significant.
3 The Draft EIR also considers a range of reasonable
4 alternatives, as noted on the left-hand -- on the right-hand
5 board here. These are essentially the no project
6 alternative, another CEQA requirement, as well as various
7 degrees of usage of pesticides. There are also alternative
8 control methods analyzed for their effectiveness in
9 containing the spread of Pierce's Disease and GWSS. As

10 discussed in the Draft EIR, feasible alternatives to the
11 program would not meet the goals of the program.
12 Several of the alternatives evaluated would limit
13 the use of pesticides in the short term. However, if these
14 alternatives were implemented, it is the conclusion of the
15 EIR that it is likely that pesticide use would increase in
16 the state as more growers and homeowners independently
17 treated their properties.

18 That's it in a nutshell. And with that, I'd like
19 to turn to Dr. Susan Stratton, a Senior Environmental
20 Planner with the Department of General Services, who will
21 explain the format of tonight's meeting.

22 DR. STRATTON: Good evening. Since we've tried
23 this format at every meeting I'm just going to kind of toss
24 it out. Speakers were given three minutes, but since we've
25 had a few speakers we don't really need to stick to the

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MS. SCARBROUGH: And there also are comment
sheets. If you'd like to fill out written comments now and

5

1 three minute rule.

2 The one request I have is that you fill out
3 speaker cards. Molly has those at the back of the room if
4 you wish to speak. If you don't want to talk but do have
5 written comments with you, you can turn those in on your way
6 out in the box by the door. And Molly will call your names
7 up to come and speak. I ask that you please pronounce your
8 name and spell it clearly, so that our recorder can get that
9 information so it'll be on the record.

**D4-1
(cont.)**

10 And we'll just -- you have basically as much time
11 as you need, unless more people come in to speak and Molly
12 lets me know, and then we'll give you about a three minute
13 time limit then, and you'll hear this obnoxious little beep.
14 So, and then a big hook comes out and drags you off.
15 Okay.

MR. MATOIAN: Question.
DR. STRATTON: Yes.

16 MR. MATOIAN: The written comments can still be
17 submitted, isn't it through the middle of next month?
18 DR. STRATTON: Yes, up through May 17th.
19 DR. STRATTON: Yes, up through May 17th.
20 DR. STRATTON: Yes, up through May 17th.
21 DR. STRATTON: Yes, up through May 17th.
22 DR. STRATTON: Yes, up through May 17th.
23 DR. STRATTON: Yes, up through May 17th.
24 DR. STRATTON: Yes, up through May 17th.
25 DR. STRATTON: Yes, up through May 17th.

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<p>1 turn them in to us today, we can also take those.</p> <p>2 Richard Matoian. Come on up.</p> <p>3 MR. MATOIAN: My name is Richard Matoian, M-a-t-o-i-a-n. I am President of the California Grape and Tree Fruit League. We are a trade association that represents growers, packers, and shippers of table grapes and deciduous tree fruit in the State of California. The majority of our membership is located in the areas between Madera, in Madera County, to Bakersfield, in Kern County. The table grape industry is highly concentrated in the Coachella Valley and the San Joaquin Valley of California.</p> <p>4 Populations of Glassy Winged Sharp Shooter have been extremely high in certain areas of Kern County.</p> <p>5 Pierce's Disease has crossed into table grape vineyards of Kern County. These two conditions, high Glassy Winged Sharp Shooter populations combined with the presence of Pierce's Disease, causes us to be very concerned that the San Joaquin Valley could become another Temecula. As noted by the EIR document, fully 30 percent of grape acreage in Temecula has died, been pulled out or in states -- or is in states of dying due to the pest disease complex.</p> <p>6 This pest was originally introduced into California due to the rapid growth in the housing market and the inability of the state's nurseries to provide the necessary home, plant and nursery materials. This has not</p>	<p>6</p> <p>D4-1 (cont.)</p> <p>7</p>	<p>1 been an agricultural initiated problem, but is now one that agriculture is having to deal with.</p> <p>2 The USDA and CDFA have recognized that if we get effective control of Glassy Winged Sharp Shooter, then the spread of Pierce's Disease could be averted, avoiding a great agricultural disaster in Kern County and other areas of the San Joaquin Valley.</p>	<p>3</p> <p>D4-2 (cont.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>8 The League commends USDA and CDFA for initiating the pilot project in the General Beale Road area of Kern County. This program has shown to be highly effective in severely reducing Glassy Winged Sharp Shooter populations, and the potential incidence of Pierce's Disease. Therefore, it is imperative that the state's Pierce's Disease Control Program be fully adequate in the field, and that this EIR must likewise be fully adequate to cover the necessary control contingencies.</p> <p>9 Thus far, the Pierce's Disease Control Program, including the General Beale pilot project, has been implemented without environmental consequences. Expansion of this pilot project to a greater area, as governed by the CEQA guidelines, will continue to provide the Glassy Winged Sharp Shooter control necessary, without the environmental consequences.</p>	<p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>D4-3</p> <p>D4-4</p> <p>Relative to the alternatives that were presented, Alternative A. R. and C. we believe that Alternative A is</p>
--	--	---	---	---	---	--

1 the worst potential solution, and that's evidenced by the
2 documentation provided in the EIR. We believe that if
3 Alternative A was implemented, the pest and disease would
4 spread, resulting in an estimated 28,000 acres to 92,000
5 acres of table grapes that would be lost annually to
6 Pierce's Disease. The EIR is correct in saying that overall,
7 pesticide use would increase. Growers would have no option
8 but to treat, in vain, the growing population of Glassy
9 Winged Sharp Shooter accounted on agricultural lands.

10 Alternative B is also short-sighted, in our minds.
11 It treats only existing infestations but does nothing with
12 new infestations, causing an obvious problem with growing
13 Glassy Winged Sharp Shooter infestations. Further, it does
14 nothing to control Glassy Winged Sharp Shooter in non-ag
15 areas, which we believe will continue to be a source of new
16 infestations.

17 Alternative C, while this is better, it does not
18 provide the proper control measures, in the Grape and Tree
19 Fruit League's mind, that will properly take care of the
20 non-ag Glassy Winged Sharp Shooter problem. Each non-
21 pesticidal alternative that had been discussed in
22 Alternative C has limitations, in our mind, that will
23 cripple the state's ability to ultimately control this pest
24 in the urban areas.

25 Regarding the summary of the impacts, we concur

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8

D4-5
(cont.)

1 that all of the environmental impacts would be less than
2 significant, and that no further mitigation measures are
3 merited. Regarding the program description under 4.0, we
4 concur that the appropriate program is the continuation of
5 the comprehensive statewide control program that's currently
6 being conducted, but we also remind that the General Beale
7 Road project is part, or should be a part of that program.

D4-4
(cont.)

8 Under the legal basis for the Pierce's Disease
9 Control Program, we concur that the California Department of
10 Food and Ag Code obligates CDFA to prevent the introduction
11 and spread of these pests and diseases. Regarding rapid
12 response and treatment, we concur that with the provisions
13 in the sections entitled "Treatment of Infested Properties",
14 and "Treatment in Areas Outside General Infested Areas".

15 And finally, under the environmental analysis
16 provided under Sections 5.23, 5.43, we concur with the
17 content and the conclusions of this report that there are
18 not significant environmental effects of the Pierce's
19 Disease Control Program.

20 And let me just end by saying that the California
21 Grape and Tree Fruit League believes that we need to
22 continue the comprehensive statewide control program that's
23 in place, and that the program needs to be expanded out into
24 other areas of Kern County not currently encompassed by the
25 General Beale minor project, and that where infestations

D4-6

D4-7

Under the legal basis for the Pierce's Disease
Control Program, we concur that the California Department of
Food and Ag Code obligates CDFA to prevent the introduction
and spread of these pests and diseases. Regarding rapid
response and treatment, we concur that with the provisions
in the sections entitled "Treatment of Infested Properties",
and "Treatment in Areas Outside General Infested Areas".

D4-8

And finally, under the environmental analysis
provided under Sections 5.23, 5.43, we concur with the
content and the conclusions of this report that there are
not significant environmental effects of the Pierce's
Disease Control Program.

D4-5

And let me just end by saying that the California
Grape and Tree Fruit League believes that we need to
continue the comprehensive statewide control program that's
in place, and that the program needs to be expanded out into
other areas of Kern County not currently encompassed by the
General Beale minor project, and that where infestations

11

1 occur in non-agricultural areas, that every available
2 control measure be implemented to stamp out those
3 infestations before they become so great that they are
4 uncontrollable.

5 Thank you.

6 DR. STRATTION: Thank you very much, Richard.

7 MS. SCARBROUGH: Scott Mabs.

8 MR. MABS: My name is Scott Mabs, S-c-o-t-t, M-a-
9 b-s. I'm the Director of Grower Services for California
10 Citrus Mutual. And California Citrus Mutual is a grower
11 organization that represents citrus growers throughout the
12 State of California. The majority of our membership is
13 located in the Tulare, Fresno and Kern Counties, with some
14 in southern California.

15 It's obvious that the potential threat to the
16 grape industry is dramatic, and potentially very severe if
17 not controlled appropriately from the risk of Pierce's
18 Disease. The things that were experienced in Temecula, and
19 the loss of acreage that was experienced in Temecula, is a
20 precursor to what could happen in San Joaquin Valley, and is
21 starting to become more prevalent in the Kern County region,
22 as we're starting to realize more infestations of Pierce's
23 Disease in those areas already.

24 The key is to be able to act while we can still do
25 something about this. And the citrus growers, even though

**D4-8
(cont.)**

1 at this point time do not have a disease that is --
2 potentially threatens us as Pierce's Disease does, we also
3 know that there are diseases out there, some as close as
4 Central America, that could potentially threaten us in the
5 same manner that Pierce's Disease is threatening the grape
6 growers. And therefore, we see this as a critical
7 management tool in order to control this vector, the Glassy
8 Winged Sharp Shooter, and to ensure that the ag industry
9 within the State of California can continue as it has been
10 in years past.

11 The EIR that was compiled by the state, after
12 review, has been shown to be extremely thorough, has taken
13 -- has addressed all of the questions that we have heard
14 from previous hearings, and has, from our perspective,
15 addressed those in a manner that is -- that is appropriate.

16 The fact that the way -- the way in which the
17 state is going forward with this and the management
18 practices, the pesticides that are being used, and the
19 careful and thoroughness actions that they're taking to make
20 sure that the environment is protected and that undue harm
21 is not caused to certain areas and the environment, has been
22 outstanding, as far as the state is concerned.

23 We also look at the fact that we are looking at
24 potential ways of biological control, with parasitic wasps
25 and other possibilities that, you know, is where we need to

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**D4-9
(cont.)**

1 at this point time do not have a disease that is --
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3 know that there are diseases out there, some as close as
4 Central America, that could potentially threaten us in the
5 same manner that Pierce's Disease is threatening the grape
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8 Winged Sharp Shooter, and to ensure that the ag industry
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17 state is going forward with this and the management
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19 careful and thoroughness actions that they're taking to make
20 sure that the environment is protected and that undue harm
21 is not caused to certain areas and the environment, has been
22 outstanding, as far as the state is concerned.

23 We also look at the fact that we are looking at
24 potential ways of biological control, with parasitic wasps
25 and other possibilities that, you know, is where we need to

13

1 move towards as we try to work in a better way with our
2 environment and those types of things, and it shows that the
3 citrus industry, and the ag industry, in general, is moving
4 towards that area to try to improve upon what we can.
5 The methods of control that have been implemented,
6 and that were outlined somewhat in the EIR, are appropriate
7 and have proven to be effective, as seen in the General Beale
8 area. And in going forward with those methods, they have
9 shown not to cause, you know, undue harm to the environment
10 or significant problems, which the EIR talked about.
11 California Citrus Mutual would like to state our
12 support of the EIR and what was found in that document, as
13 far as the negligible risk that was looked at, and would
14 like to thank the state for a complete and thorough report
15 that was done.
16 Thank you.
17 DR. STRATTON: Thank you Scott.
18 Do we have any other folks that would like to
19 speak? No?
20 We'll be here. Again, let me just state that we
21 will be accepting comments through May 17th. The address is
22 back there, if you feel so compelled. We have one more
23 public meeting tomorrow night, in San Luis Obispo. We'd
24 certainly like to see familiar faces, so.
25 MR. MATOTAN: Do you have to remain here until

**D4-11
(cont.)**

1 8:00 o'clock?

2 DR. STRATTON: Pretty much.

3 EIR PROJECT MANAGER RAINS: So anybody else,

**D4-13
(cont.)**

4 please come forward. It's all public record, anything you
5 want to say.

6 DR. STRATTON: We really do appreciate you coming
7 here tonight, and especially, well, in support of the EIR or
8 comments that, things that you have questions on.

D4-12

9 MR. SULLINS: Do I have to fill out a card?

10 DR. STRATTON: Please.

11 MR. SULLINS: My name's Jim Sullins, of UC
12 Cooperative Extension in Tulare County. And just, I guess,

13 speaking in support of the thoroughness of the EIR, although
14 we just probably need some time for some more review and
15 we'll have some written comments later, of my staff.

16 What I would like to comment on is the crucial

17 part the University of California is playing in this
18 process, and our task force looks at the control of the
19 Glassy Winged Sharp Shooter and their effort as crucial,

20 that the process that has already been used and has been
21 proven successful in Tulare County and in the General Beal
22 Road project, be looked at as models for a program.

23 The idea is to, or at least from the task force
24 standpoint, is to -- that we're in a buying time effort, and
25 that the control of the Glassy Winged Sharp Shooter is

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1 crucial while we develop other methodologies for management
2 of Pierce's Disease. And the time that we can buy in that
3 scientific process, whether it's a -- whether we develop new
4 rootstocks or whether we develop bio-engineering, or
5 whatever efforts that prove fruitful, that that success is
6 going to take some time, and that the effort that is being
7 done now and has proven successful is absolutely critical
8 and crucial.

The industry that -- we have seen in Kern County
9 that the presence of the Glassy Winged Sharp Shooter is
0 definitely linked to Pierce's Disease, without a doubt. At
1 that the reservoirs and the fact that Tulare County does
2 have reservoirs for Pierce's Disease, both in grapes and in
3 other crops, that the presence of the Glassy Winged Sharp
4 Shooter would have a dramatic impact on the future of our
5 grape production in Tulare County.

So, that's about all I have to say.

DR. STRATTON: Thank you very much, Jim.

D4-16 (cont.)		D4-17	
1	EIR PROJECT MANAGER RAINS:	There is some	
2	opposition.		
3	MR. MABS:	Do EIRs require you to provide	
4	alternative options, as opposed to just examining the option		
5	that you're implementing?		
6	DR. STRATTON:	Yes. Yes, we have to look at	
7	feasible alternatives.		
8	MR. MABS:	There was a number that weren't even --	

weren't mentioned, or never examined.

DR. STRATTON: Right.

(Thereupon, the Public Meeting was concluded at 6:30 p.m.)

D110

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**LETTER D4: APRIL 30, 2002 PUBLIC HEARING TRANSCRIPT
(TULARE, CA)**

D4-1	This is a verbatim transcript of the introduction to the public meeting and summary of the Draft EIR, as presented at the meeting.
D4-2	Comment noted.
D4-3	Comment noted.
D4-4	This comment is consistent with the findings of the Draft EIR.
D4-5	This comment is consistent with the findings of the Draft EIR.
D4-6	Comment noted.
D4-7	This comment is consistent with the findings of the Draft EIR.
D4-8	Comment noted.
D4-9	This comment is consistent with the information provided in the Draft EIR.
D4-10	This comment is consistent with the findings of the Draft EIR.
D4-11	This comment is consistent with the information provided in the Draft EIR.
D4-12	Comment noted.
D4-13	Comment noted.

I, JAMES RAMOS, an Electronic Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing United States Department of Food and Agriculture Hearing was reported by me and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2002.

James Ramos
Official Reporter

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D4-14	Comment noted.
D4-15	This comment is consistent with information provided in the Draft EIR. The research program that was initiated under the emergency program would continue under the proposed PDCP. Should one or more of the control methods studied in the research program prove effective at significantly reducing the spread of the pathogen <i>Xylella fastidiosa</i> and its vector, the glassy-winged sharpshooter, their use could be incorporated into the PDCP in the future. If a new method is added to the PDCP in the future, additional environmental review would be conducted if significant new environmental impacts are anticipated.
D4-16	Comment noted.
D4-17	The commenter does not provide specific program alternatives or alternative control methods to analyze. See Master Response 7.

**LETTER
D5**

STATE OF CALIFORNIA

DEPARTMENT OF FOOD AND AGRICULTURE

PUBLIC HEARING

Pierce's Disease Program
Program - Draft Environmental
Impact Report

MAIN HALL

VETERANS MEMORIAL BUILDING

801 GRAND AVENUE

SAN LUIS OBISPO, CALIFORNIA

WEDNESDAY, MAY 1 2002

6:11 P.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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APPEARANCES

Richard D. Greek, Agricultural Commissioner
San Luis Obispo County

Jay Van Rein, Information Officer
California Department of Food and Agriculture
Jim Rains, Environmental Specialist
California Department of Food and Agriculture

Susan Stratton, Senior Environmental Planner
California Department of General Services
Bobette Biddulph
EDAW Incorporated

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Eric Greening, Life On Planet Earth	8	Mac Learned
Linda McElver, Canaries Foundation	10	Coralie McMillan
Kelda Wilson	13	Closing Comments
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Don Ackerman, Central Coast Vineyard Team

Linda McElver, Canaries Foundation

Andrew Reichert

Ann Steele

Dana Merrill

Mac Learned

Coralie McMillan

Closing Comments

Adjournment

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1 PROCEEDINGS
2 -ooo-

AGRICULTURAL COMMISSIONER GREEK: We are live.

4 I'd like to ask everyone to take a seat. I would encourage
5 folks, although we do have some amplification, to be closer
6 rather than further away, but that's obviously your choice.
7 Well, thank you for attending tonight. It's
8 awfully beautiful outside, so I know that it's with a strong
9 commitment that you're spending your evening thinking about
10 the Pierce's Disease and Glassy Winged Sharp Shooter, and
11 willing to share your ideas and thoughts on the Draft

12 Environmental Impact Report.

13 The local news, which I know, since the season is
14 hot and heavy with nursery shipments, that I need to always
15 remember to say that San Luis Obispo County remains Glassy
16 Winged Sharp Shooter free, and that's no easy effort, and to
17 the credit of Janice Campbell and her staff. So thank you,
18 Janice, for all of us.

19 We are also quite privileged to have one of the
20 four hearings in the state on this EIR in San Luis Obispo on
21 the Central Coast, in our own back yards. And I think in
22 large part that's reflective of the level of interest and
23 input that we've seen from our citizens, as well as the fact
24 that we have a growing wine grape industry here, and
25 horticultural industry on the central coast

1 We did make the request, and this facility has
2 been fragrant free for -- fragrance free for at least 24
3 hours.

4 I think another reason that the group decided to
5 hold, or the CDFC decided to hold the hearing here is we
6 have a reputation in San Luis Obispo that I'm really proud
7 of, and that reputation is that we are a very respectful
8 group of folks, but we do speak to the issues and we do want
9 people to understand what our thoughts are. And that's
10 really why this hearing is being held, is so that they can
11 hear our thoughts.

12 So the purpose, and it's a fairly formal process
13 tonight, as opposed to some of the meetings that I've
14 conducted in the past, and I'm not even responsible for this
15 one other than just welcoming you all, but it is a formal
16 process, and you'll be learning the rules a little bit later
17 on from Susan, on how it will be organized and run this
18 evening. But the key purpose, as I've already said, is to
19 receive public comment. State and county staff are really
20 not to comment on the EIR, or are we in a position to answer
21 any public questions or respond to any comments. However,
22 most of you have my phone number, or you have Janice's phone
23 number, or you can get to CDFC and, after this, you're
24 certainly welcome to give us a call. This isn't an
25 interchange. It's really your opportunity to talk about

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D5-1

D5-1
(cont.)

1 what you've read in the EIR itself.
2 So with that, welcome, and I'll turn the next
3 portion of the program to Jim Rains.

4 MR. RAINS: Thank you. I am Jim Rains, I'm a
5 Environmental Scientist with the Department of Food and
6 Agriculture. I'd like to give a very brief summary of the
7 EIR before we turn it over to you for your comments.

8 The CDFA, in coordination with the environmental
9 consulting firm of ED&W, Incorporated, in San Francisco, has
10 prepared the Draft EIR for the -- to provide an
11 environmental assessment for the Pierce's Disease Control
12 Program. The proposed program would be a statewide effort
13 to minimize the impact of Pierce's Disease in California. A
14 major strategy in this program is to reduce the spread and
15 occurrence of the Glassy Winged Sharp Shooter, or GWSS,
16 which is a non-native insect capable of spreading the
17 disease to new areas in California.

18 CDFA is the lead agency for coordinating the
19 statewide comprehensive program, and is the lead agency for
20 this EIR. The County Agricultural Commissioner would
21 typically be the -- have the responsibility for local
22 implementation of the program, with CDFA coordination.

23 The proposed program evaluated in the EIR is an
24 extension of an ongoing emergency program and regulations
25 which were mandated by the California Legislature for the

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4

1 control of Pierce's Disease and GWSS. The Draft EIR focuses
2 on four environmental topics, as shown on the board on the
3 far left. These are agriculture and land use, hazards,
4 water quality, and biological resources. Other issues were
5 dismissed early on as having no potential for significant
6 impact.

7 The draft also includes an analysis of potential
8 cumulative impacts of the implementation of the program in
9 combination with other projects, including the past, present
10 and anticipated future use of pesticides by other state and
11 local jurisdictions and private growers and homeowners. The
12 Draft EIR concludes that with the implementation of the
13 additional safeguards included within the Pierce's Disease
14 Control Program, all of the potential environmental impacts
15 would be less than significant.

16 The Draft EIR also considers a range of reasonable
17 alternatives, the middle board over here, to the proposed
18 program that meet the basic -- the program's basic
19 objectives. These alternatives represent various degrees of
20 program implementation. The EIR also evaluates alternative
21 control methods for the effectiveness in containing the
22 spread of Pierce's Disease and Glassy Winged Sharp Shooter.
23 This is a basic component of the program.

24 As discussed in the Draft EIR, all the feasible
25 alternatives to the Pierce's Disease program would not meet

D5-1 (cont.)

D5-1 (cont.)

1 the goals of the program. Several of the alternatives
2 evaluated would limit the use of pesticides in the short
3 term. However, if these alternatives were implemented it is
4 the conclusion of the EIR that it is likely that pesticide
5 use would increase in the state as more growers and
6 homeowners independently treated their properties to control
7 the GWSS infestation.

8 That, in a nutshell, is what the EIR contains. So

9 with that, I'd like to turn the program over to Dr. Susan
10 Stratton, a Senior Environmental Planner with the Department
11 of General Services, and she will explain the format of
12 tonight's meeting.

13 DR. STRATTON: Thank you, Jim.

14 Glad to see so many folks here tonight. Anyone
15 wishing to speak tonight, we've asked that you sign up with
16 -- we have speaker sign-up cards at the back table.
17 Bobbette also has some speaker cards.

18 And sort of the way the format works, we, Bobbette
19 will call up five folks, the first five, to speak. We sort
20 of have five chairs in the front here, if you'd just come up
21 and take a seat there. And she will read off each speaker's
22 name. There will be three minutes allowed. There will be
23 an obnoxious timer that will go off at the end of three
24 minutes, so when you hear that, if you would please sort of
25 wrap things up.

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5

1 If you have other things that you'd like to say,
2 you're more than welcome to sign up and have another go
3 around, but we want to be able to let everybody have a
4 chance to speak. So, certainly, you know, second, third
5 time through. We have the room until 9:00 o'clock, so we're
6 really happy and anxious to hear your comments on the EIR.

7 The other thing is, if you do choose not to speak
8 tonight, which is perfectly fine, we also have comment
9 sheets in the back of the room for your written comments.
10 You can either take them with you and mail them in later, or
11 you can fill them out and turn them in, there's a comment
12 box on the back table, turn them in as you leave tonight.
13 Comments will be accepted through May 17th, so we really
14 would appreciate hearing what you have to say.

15 And other than that, Bobbette, I'll turn it over
16 to you.
17 MS. BIDDULPH: Okay. Our first five speakers,
18 Willow Walking Turtle Kelley, Eric Greening, Linda McElver,
19 Kelda Wilson, and Dave Wilson.

20 DR. STRATTON: Sort of one other quick little rule
21 that I forgot to mention is when you do come up here to
22 speak, if you would please clearly state your name and spell
23 your name for our court recorder, so that we can get
24 everything documented correctly, and we don't misrepresent
25 any folks. Thank you.

6

**D5-1
(cont.)**

**D5-1
(cont.)**

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7

1 MS. KELLEY: Great way to start, May 1st. I want
 2 to thank you for having this meeting. Willow Walking Turtle
 3 Kelley, with Citizens for Safe Access. We're a disability
 4 rights group that's dedicated to the precautionary principle
 5 of first and foremost, do no harm.

6 We want to make it clear that it is patently
 7 criminal and unacceptable to have our health subordinated to
 8 wine profits. We want to know why this PDCP refuses to
 9 implement non-chemical sustainable alternatives to minimize
 10 environmental impacts when pesticides do not even do the job
 11 their designers envisioned them. They breed larger numbers
 12 of more resistant insects, and knowing this, why has this
 13 EIR failed to address mono-culture farming practices that we
 14 know causes soil depletion, plant disease, and therefore,
 15 pesticide dependent, yet blaming it all onto the Glassy
 16 Winged Sharp Shooter.

17 We have some questions about this EIR. We think
 18 it's egregious, and we think it falsely asserts that there
 19 is no air quality impact when we know the experience of the
 20 Gulf War veterans breathing petrochemicals, they had neuro,
 21 cardio, immuno and DNA damage. You cannot say there's no
 22 air quality impacts.

23 Second question is about the frail population, of
 24 which I exist as a member, as a chemically ill person, that
 25 snarvina mv area will do no harm to me. because you only

8

D5-2
(cont.)

1 spray the trees and the shrubs. But what accounts for all
 2 the pesticide drift that can go under my doorsills and
 3 through my windows. And I'm very disturbed about the
 4 decimation of the bees and the hummingbirds, and the
 5 beneficial insects that live in my yard. I do not want
 6 someone coming in and telling me it's just a minor
 7 inconvenience, as this EIR says, for organic growers. And
 8 during this period of inconvenience, they can use
 9 pesticides. It's hogwash. I will not use pesticides.

D5-3

10 And my last issue, the toxicity is not the
 11 problem. It's stated over and over again in this EIR. If
 12 that remains the case, why did the Cancer Institute publish
 13 this chart.

14 I want to, we want to enjoin you to adopt a no
 15 project alternative, which you mention there but do not
 16 discuss. We want a holding pattern until you have addressed
 17 all the physical and health consequences of spraying of
 18 pesticides. And I think it will be a glorious day when I
 19 can read a label that says if not organic, boycott this
 20 product.

D5-4

21 (Applause.)
 22 DR. STRATTON: Thank you, Willow.

D5-5

23 MS. BIDDULPH: Eric Greening.
 24 MR. GREENING: Thank you. Eric Greening, E-r-i-c,
 25 G-r-e-e-n-i-n-g. And I am speaking as a member of Life On
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D5-5
(cont.)

D5-6

1 spray the trees and the shrubs. But what accounts for all
 2 the pesticide drift that can go under my doorsills and
 3 through my windows. And I'm very disturbed about the
 4 decimation of the bees and the hummingbirds, and the
 5 beneficial insects that live in my yard. I do not want
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 17 all the physical and health consequences of spraying of
 18 pesticides. And I think it will be a glorious day when I
 19 can read a label that says if not organic, boycott this
 20 product.

D5-8

21 (Applause.)
 22 DR. STRATTON: Thank you, Willow.

D5-10

23 MS. BIDDULPH: Eric Greening.
 24 MR. GREENING: Thank you. Eric Greening, E-r-i-c,
 25 G-r-e-e-n-i-n-g. And I am speaking as a member of Life On

1 Planet Earth, an environmental organization in the northern
2 interior of this county.
3 We, of Life On Planet Earth, are appalled that
4 this draft document would propose a finding of no
5 significant impacts on a project as ill defined and open-
6 ended as the proposed project for control of Pierce's
7 Disease. Nowhere is the duration or extent of this program
8 given any clear boundaries, nor is any limit placed on
9 intensity of response to any incident. Nowhere is there a
10 clearly defined list of pesticides to which this project
11 will be limited, only a list of pesticides used most often.
12 Before we challenge specific findings, we must ask
13 the general question, how can a project with no defined
14 limits be found not to meet any threshold of significance.
15 Page 4-5, the legal basis for this program is the
16 generic assertion that, quote, "Pests can pose a threat to
17 human health, domestic animals, wildlife, and public and
18 private property," unquote. Yet the Glassy Winged Sharp
19 Shooter only damages private property aside from an
20 occasional Caltrans oleander, while the pesticides proposed
21 in response pose a threat to everything on the list. We
22 suspect that the CDFA is failing to disclose the potentially
23 significant impacts of pesticide use to avoid the untenable
24 necessity of finding overriding considerations which would
25 be clearly indefensible.

**D5-10
(cont.)**

1 Page 4-8, quote, "The Science Advisory Panel
2 consists of university scientists who are experts on the
3 biology and control of Pierce's Disease or the Glassy Winged
4 Sharp Shooter," unquote. If the panel fails to include
5 experts in human health, including the medical needs of the
6 environmentally sensitive and immuno-compromised, and in
7 wildlife biology including the bio-accumulation of toxics of
8 food chains, they will be unprepared to monitor impacts of
9 this program on the health of humans and wildlife.
10 Page 5-1-3. Physical division of a community will
11 occur if sensitive individuals are forced to move out of it
12 in response to forced spraying.
13 Page 5-1-7. Disruption of pest management
14 programs, and page 5-1-9, disruption of organic farming.
15 Beneficial insects could be admittedly lost to agricultural
16 operations that rely on them and organic farms could
17 admittedly be converted to non-organic farms. The only
18 justification, and I would like my card reshuffled to the
19 bottom so that I can return.
20 Thank you.
21 DR. STRATION: Okay. Thank you. Thank you, Eric.
22 (Applause.)
23 MS. BIDDULPH: Linda McElver.
24 MS. MCELVER: Good evening. My name is Linda
25 McElver, L-i-n-d-a, M-c-E-l-v as in Victor-e-r. Can you

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10

1 Page 4-8, quote, "The Science Advisory Panel
2 consists of university scientists who are experts on the
3 biology and control of Pierce's Disease or the Glassy Winged
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16 operations that rely on them and organic farms could
17 admittedly be converted to non-organic farms. The only
18 justification, and I would like my card reshuffled to the
19 bottom so that I can return.
20 Thank you.
21 DR. STRATION: Okay. Thank you. Thank you, Eric.
22 (Applause.)
23 MS. BIDDULPH: Linda McElver.
24 MS. MCELVER: Good evening. My name is Linda
25 McElver, L-i-n-d-a, M-c-E-l-v as in Victor-e-r. Can you

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D5-12

1 Page 4-8, quote, "The Science Advisory Panel
2 consists of university scientists who are experts on the
3 biology and control of Pierce's Disease or the Glassy Winged
4 Sharp Shooter," unquote. If the panel fails to include
5 experts in human health, including the medical needs of the
6 environmentally sensitive and immuno-compromised, and in
7 wildlife biology including the bio-accumulation of toxics of
8 food chains, they will be unprepared to monitor impacts of
9 this program on the health of humans and wildlife.
10 Page 5-1-3. Physical division of a community will
11 occur if sensitive individuals are forced to move out of it
12 in response to forced spraying.
13 Page 5-1-7. Disruption of pest management
14 programs, and page 5-1-9, disruption of organic farming.
15 Beneficial insects could be admittedly lost to agricultural
16 operations that rely on them and organic farms could
17 admittedly be converted to non-organic farms. The only
18 justification, and I would like my card reshuffled to the
19 bottom so that I can return.
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D5-13

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D5-14

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D5-15

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24 MS. MCELVER: Good evening. My name is Linda
25 McElver, L-i-n-d-a, M-c-E-l-v as in Victor-e-r. Can you

11

1 hear me?
2 Eric and Willow I think are both eloquent
3 speakers, and I don't even begin to compare. I am President
4 of the Canaries Foundation, and I want to thank all the
5 people on my e-mail list that came here tonight. It's
6 really wonderful to see you.

7 One of the things I also want to thank is the
8 effort by CDFA to provide a fragrance free and accessible
9 facility, which I, as -- this is the third hearing I've been
10 to, this is the most accessible, and also it seems to have
11 the most people. So I want to thank everyone that came that
12 is fragrance free, if they did see the message. We really
13 appreciate it.

14 In the future, I'm requesting that CDFA adopt the
15 use of the Cleaner Air Disability signage, which guarantees
16 safe access for people with our disability, that has no
17 pesticides, fragrances, or other types of cleaners.

18 And in regards to the EIR, I will be filing a
19 formal disability complaint with the United States
20 Department of Justice, because I feel this whole entire
21 program is extremely hostile to disabled people. The
22 numbers of disabled people potentially affected by this may
23 be as much as 30 percent of the population. This is
24 extremely a horrible experience to have to feel like your --
25 your property is going to be poisoned against your will. I

12

1 don't know if the public is really aware of this.
2 Governor Davis has promised, in the Napa News,
3 that he will spray us against the -- against our will, and

4 regardless of how wonderful Richard Greek has been in
5 adopting a pesticide sensitive registry. This is a spray
6 program. If alternatives aren't approved, then he has to
7 use the spray. And if you start to look at the back of the
8 EIR and at some of those pesticides, one of them even gives

9 a warning about hyper-responsive airways disease, which is
10 my disability, which can kill people. And I've had life-
11 threatening incidents.

12 How can they say that this is an insignificant
13 risk? It is just so horrible. And then in my experience
14 with the -- as the non-governmental public health

15 representative on the Glassy Winged Sharp Shooter Task
16 Force, the Department of Environmental Health was there and
17 said nothing. The Department of DPR was there and said
18 nothing. You know. But I asked some tough questions. I
19 asked them what, how many tests were done on the inert

20 ingredients in these pesticides we're using. The answer
21 from the DPR representative was about three. Approximately
22 120 tests are done in the active ingredient, which might
23 comprise of two percent to 50 percent of the product. It
24 always seems that the inerts that only get three tests have
25 the larger portion of the product.

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D5-16
(cont.)

D5-15
(cont.)

D5-17

D5-16

13

I have to call this whole program a sinister and
evil attempt to coerce the public and work with industry in
creating a very deceptive fabrication of protection.
Is that one minute? Okay. So I'm hoping that,
you know, this junk science and quackery that is prolific in
this whole thing, like saying that there's no -- that
children aren't as sensitive as adults, which, indeed, the
EPA countermands that, and saying that there's no
population, or insignificant populations that could be
affected, is a horrible thing to do. And it deserves to be
addressed formally in the federal government.

12 Thank you.

13 DR. STRATTION: Thank you, Linda.

14 (Applause.)

15 MS. WILSON: Good evening. My name is Kelda
Wilson, K-e-l-d-a, W-i-l-s-o-n.

Impact LU-7 discusses the disruption of organic
farming. It mentions that because organic farms could be
temporarily converted to non-organic farms the harm caused
by the PDCP is not an impact under CEQA. The document fails
to address the very serious impacts on people for whom an
organic diet is part of their mainstay. How are we supposed
to eat if our currently available local organic food sources
are compromised or removed? I have a family member in my
household who is required by doctor's prescription to eat

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14

1 organic foods, and I also have many friends who rely on the
2 organic food industry for health reasons. The sacrifice of
3 one industry, the organic food industry, for another, the
4 wine industry, is absolutely unacceptable.

D5-18

5 Thank you.

6 (Applause.)

7 MS. BIDDULPH: If I could call the next five
8 speakers. Kevin Merrill, Dana Merrill, Chris O'Connor,
9 Sandra Sarrouf, and Ginny Monteen.

10 Dave Wilson.

11 MR. WILSON: Dave Wilson, D-a-v-e, W-i-l-s-o-n.

12 The previous speaker was my wife, and I wanted to
13 first of all thank you for allowing us to speak here. And I
14 will be filing my concerns written in the next few days.
15 But I wanted to give you a little insight into what it's
16 like to be chemically injured.

17 I was injured about seven years ago, and the
18 source doesn't matter, but since that time my life has been
19 a living hell. I'm disabled, unable to work, I spend my
20 days inside my house, half of which is sealed up because I'm
21 unable to tolerate it. I'm unable to even figure out what's
22 bothering me in that half of the house. I sleep on ceramic
23 tile floor, with one cotton blanket for padding underneath,
24 and one on top. And to me, that's a big achievement because
25 for the last three years I've slept in a sleeping bag that

D5-20

1 organic foods, and I also have many friends who rely on the
2 organic food industry for health reasons. The sacrifice of
3 one industry, the organic food industry, for another, the
4 wine industry, is absolutely unacceptable.

D5-19

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15

1 had no loft whatsoever, sometimes sleeping on the bare floor
2 itself because I was unable to tolerate fabrics.
3 I have approximately 42 different shots that I
4 take at various times, just to make it through the days. I
5 went four and a half years where I was only able to eat 12
6 different foods. And to say that we're not a significant
7 part of this analysis is just ludicrous.

8 How many people here know someone who is
9 chemically injured? Okay. There's a fair number. I bet
10 there's actually a lot more in this crowd, because there's a
11 lot more people here who are impacted by chemicals in their
12 everyday lives, and you don't even know it. A year ago I
13 spent nine weeks in Dallas, Texas, with Dr. Ray, who's the
14 leading authority on chemical injury in the country. And he
15 has been treating me since then. I've met literally dozens
16 of people who have been impacted by pesticides, people
17 forced to live outside for years at a time, from something
18 as simple as spraying pesticides around their home. How can
19 we say this is safe, when we're going to be spraying entire
20 communities, potentially? This is just insane.
21 So I ask you to please, write a letter, do what
22 you can to stop this, because if this happens people who are
23 smart enough will leave, like myself, but those who aren't,
24 will be impacted forever.
25 Thank you.

16

1 (Applause.)
2 MR. MERRILL: Thank you. My name is Kevin
3 Merrill, K-e-v-i-n, M-e-r-r-i-l-l. I'm the President of the
4 Central Coast Wine Growers Association. We represent over
5 200 growers and winery members in both San Luis Obispo and
6 Santa Barbara Counties.

7 And we're here tonight to thank CDFA and the Ag
8 Commissioners, really throughout the state, for the great
9 job they have done to keep the Sharp Shooter contained
10 really in the southern part of the state. We believe that
11 that's really the key to what we need to do. If we keep it
12 contained and out of San Luis and Santa Barbara, northern
13 Santa Barbara County, we don't have to spray anything. So
14 our industry is really sensitive, I think, to the needs of
15 the people that are chemically sensitive. We understand
16 that. We don't want to spray any more than you want to
17 spray anything here.

18 We understand, however, that we do need to have
19 some plan in place that if the pest does make its way here,
20 that we need to deal with it in a proactive way, and we hope
21 to work together with the environmental community to make
22 sure that that doesn't -- that the pest doesn't get here and
23 wipe out a grape industry that's worth millions of dollars.

24 And, again, I'd like to thank San Luis Obispo
25 County Ag Commissioner and Santa Barbara County for all the

17

1 work they've done. And I want to point out that the grape
2 industry is -- also has worked over the last ten years or
3 so, even more so today, on sustainable farming practices.
4 We have worked hard to get away from the use of hard and
5 harsh pesticides. We don't want to use anymore harsh
6 pesticides than we need to, and we are, if anything, going
7 more towards the organic farming. And so we believe the key
8 to this pest is to keep it out. And we hope that the
9 environmental community will join with us to go to that end.

10 And we are committed to working toward that.

11 And I want to thank you for having the meeting
12 tonight. Thank you.

13 DR. STRATTON: Thank you, Kevin.
14 (Applause.)

15 MS. BIDDULPH: Dana Merrill.

16 MR. MERRILL: Yeah, Dana Merrill, D-a-n-a,

17 Merrill, M-e-r-r-i-l-l. I am Kevin's brother.

18 I'm a grape grower in Paso Robles, and I also am
19 currently the Chairman of the State Pierce's Disease Sharp
20 Shooter Board. That's a board that we basically raised over
21 \$6 million from growers in the last year, and we have four
22 more years on the state assessment that was passed. We're
23 trying to find a long-term solution to the threat of the
24 Sharp Shooter and Pierce's Disease.

25 As Kevin pointed out, we think the key is to keep
D5-21
(cont.)
D5-22
D5-23
D5-22
D5-23

18

1 the Sharp Shooter out of our counties, and out of all
2 infested counties. We think the state and the Ag
3 Commissioner has done a great job so far. It's a huge
4 effort. And we also need the support of the public so that
5 we can keep it out of here, because, frankly, spraying is
6 the last resort.

7 I will take issue to one previous speaker. I will
8 say that the spraying, where it has had to be done in a
9 targeted manner, it has eradicated the Sharp Shooter,
10 Brentwood is a good example. So that if, God forbid, we do
11 find an outbreak, if you move in quickly and get rid of it,
12 actually you eliminate spraying rather than cause more.

13 Our IPM programs, Integrated Pest Management
14 programs, are at risk because of the Sharp Shooter.
15 Frankly, we have a delicate balance in our vineyards, if the
16 Sharp Shooter gets in, that's going to upset the applecart,
17 so to speak, and we may be forced to spray far more than we
18 want to. And we've made a lot of progress towards spraying
19 less and less each year.

20 We believe that the -- or I believe that the EIR
21 is very complete. I also applaud the efforts, you know,
22 it's an excellent background on the history of the threat,
23 frankly. It's -- it tells a lot about what the problems
24 are, why IPM has mixed results, why it's part of the program
25 but it's not the whole program. And hopefully, our research

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1 will yield a long-term solution. If we can all work
2 together to help us get through this period of
3 vulnerability, and we can restore a balance and get this
4 pest that isn't from our area. I mean, it came from the
5 southeastern United States. If we can get this, the threat
6 neutralized and get back to the balance that we had a few
7 years ago, we're not going to find this as contentious an
8 issue.

9 But I think the state is very sensitive, and I
10 know Richard Greek is, and the Ag Commissioners, frankly,
11 and his neighbors in Monterey and Santa Barbara to the
12 south, are all very sensitive to what we've learned over the
13 last 30, 40 years about pesticides. And we're taking heed
14 to that effect. So I am supportive of the document, and I
15 think it's complete, and I think they did an excellent job.
16 Thanks.

17 DR. STRATTION: Thank you, Dana.
(Applause.)

18 MS. BIDDULPH: Sandra Sarrouf.

19 MS. SARROUF: My name is Sandra Sarrouf, S-a-r-r-o-u-f
20 o-u-f, Environmental Health Projects Coordinator for ECOSLO,
21 the Environmental Center of San Luis Obispo County.
22 I'm sure lots of people put a lot of time and
23 effort into this document, so I'd like to acknowledge that
24 and thank them for their effort.

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20

1 We feel that the Pierce's Disease Control Program
2 has a number of significant impacts that were not addressed
3 in the EIR. No significant impacts were found, and we'd
4 like -- I'd like a clear definition of what is significant,
5 and significant to whom. Millions of pounds chemicals are
6 used in our environment every year by agriculture, industry,
7 and by people for their homes and gardens. These chemicals
8 do have impact on human health and the environment, and
9 we're seeing a number of studies coming out linking nerve
10 toxins to behavioral problem and a number of diseases in
11 children, as well as infertility in crocodiles and
12 abnormalities in frogs. So they do have impact.

D5-25

13 So how can adding yet another chemical, whether
14 carbaryl, merit or imidacloprid, to the mix of chemicals in
15 our environment have no significant impact? Where are the
16 studies and research by the CDFA, DPR and EPA in this
17 document to prove that the synergistic effects of releasing
18 several chemicals into our environment have no impact on
19 human health or the environment?

20 The document does not limit the kinds of

21 pesticides in the program. The EIR only takes into account
22 pesticides that have been used or are planned for use.
23 There should be a limit to those listed, or require a new
24 assessment if a new pesticide is planned to be used in the
25 program. Again, if a combination of chemicals are used at

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D5-23
(cont.)

D5-24

22

1 the same time for dealing with the Glassy Winged Sharp
2 Shooter, where is the research on the effects of the
3 chemical cocktail that's being introduced?

4 If the CDFA did declare a significant impact, the
5 only way the CDFA could get this spray program approved
6 would be to explain how the spray program is an overriding
7 consideration of our human health and wildlife. You have to
8 show that private industry profits override human health and
9 the wildlife. The program is what puts human environmental
10 health at risk by creating pathways by which toxin enters --
11 toxins enter people's private homes. And so we wonder, is
12 this why the CDFA finds no significant impact in the spray
13 program.

14 The three alternatives are very limited when there
15 are lots more options available. Not enough research or
16 suggestions to other less environmentally harming response
17 procedures are included, such as breaking up mono crops with
18 other crops or plants, and using netting.
19 We propose another alternative, to regulate the
20 movement of commodities that may carry GWSS and abate all
21 infestations in non-agricultural areas using a tiered
22 approach, giving non-toxic and non-synthetic chemicals a
23 priority, top priority.
24 Thank you.
25 DR. STRATION: Thank you, Sandra.

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**D5-25
(cont.)**

1 (Applause.)

2 MS. BIDDULPH: I'd like to call the next five
3 speakers up, and then Ginny Monteen will be next.

4 Harry Busselen, Daniel Neumann, Coralie McMillan,

5 Pamela Heatherington, and Eric Greening.

6 MS. MONTEEN: My name is Ginny Monteen, that's G-

7 i-n-n-y, M-o-n-t-e-e-n. And I want to hand to you a white
8 paper that was just presented.

9 DR. STRATION: Thank you.

10 MS. MONTEEN: This is a paper that was just
11 presented, let's see, February 20th, to the California
12 Senate Health and Human Services Committee. They had a
13 special hearing on this topic, and this paper was presented
14 to them. It clearly shows that there is evidence of a link
15 between chemicals and cancer.

16 Please consider that, please bring that basic
17 thought back to -- I mean, how can that correlate with no
18 significant impact. If we were to take a blood test of
19 anyone in this room, and you, as well, you would have 100 to
20 200 synthetic chemicals in your blood that did not exist
21 before World War II. This is huge, and it's so huge that
22 any amount of increase, any spraying for a particular pest,
23 is just going to put -- it's intolerable. The situation we
24 have now is a crisis.

25 A half million people a year die from cancer, and

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D5-26

1 DR. STRATION:

2 MS. MONTEEN: This is a paper that was just
3 presented, let's see, February 20th, to the California
4 Senate Health and Human Services Committee. They had a
5 special hearing on this topic, and this paper was presented
6 to them. It clearly shows that there is evidence of a link
7 between chemicals and cancer.

D5-27

8 DR. STRATION:

9 We propose another alternative, to regulate the
10 movement of commodities that may carry GWSS and abate all
11 infestations in non-agricultural areas using a tiered
12 approach, giving non-toxic and non-synthetic chemicals a
13 priority, top priority.
14 Thank you.
15 DR. STRATION: Thank you, Sandra.

23

1 to help you comprehend that, last September 11th, we had
2 that horrible event, and 3,000 people died in the World
3 Trade Center. Well, every three days, that many people die
4 from cancer, just in the United States. Every three days.
5 And unlike September 11th, it's continuing. It's been every
6 three days, every three days, every three days. The rate
7 of, for instance, breast cancer, in 1950 it was a lifetime
8 chance for a woman of one in 20 to 22. Today, it's one in
9 eight, and in some areas it's one in seven.

24

10 Lifetime risk for women in general is one in two.
11 And for men, one -- I mean, women is one in three, men is
12 one in two. These are just unacceptable levels of risk that
13 already exist. Anything added to that cannot happen, should
14 not happen.
15 Is my time up?
16 DR. STRATTON: No.
17 MS. MONTEEN: Oh. I thought I heard --
18 DR. STRATTON: No, it's just -- it's just making
19 noise.
20 MS. MONTEEN: Okay. The poisons, these chemical
21 poisons bio-accumulate as they go up the food chain. And
22 the really sad part about this is that at the very top of
23 the food chain is mother's milk, because it's more
24 concentrated, because it's a level up. And tests have been
25 done on mother's milk showing up to 200 contaminants in that

1 milk. It's so high that it would not meet FDA regulations
2 if it were to be passing through the FDA. It is a crisis,
3 and I think we just have not had it be visible, although I
4 am sure that everybody in this room has lost someone, or has
5 had someone suffer from cancer. It's just way too
6 prevalent, and to spray for the Sharp Shooter is just making
7 it so much worse.

8 Is that the real one?

9 DR. STRATTON: Twenty-five seconds.

10 MS. MONTEEN: Oh, 25 seconds.
**D5-28
(cont.)**

11 Just to reiterate, that was California Senate
12 Human -- Health and Human Services Committee, and that
13 committee is chaired by Senator Ortiz, and she is very
14 interested in initiating the legislation to reduce chemical
15 contaminants.

16 DR. STRATTON: Do you want us to put your card
17 back in?

18 MS. MONTEEN: Pardon?

19 DR. STRATTON: Do you want us to put your card

20 back in? Would you like a second go around?

21 MS. MONTEEN: Oh, no. This'll -- I think we've

22 got the idea. Thank you.

23 DR. STRATTON: Okay. Thank you, Ginny.

24 (Applause.)

25 MS. BIDDULPH: Okay. Harry Busselen.

25

1 Daniel Neumann.
2 MR. NEUMANN: Dan Neumann, N-e-u-m-a-n-n. And I'd
3 like to say a little something about we're going to spray
4 just on these -- where it's needed, and nowhere else. Well
5 there's not a place in this county that I can drive that I
6 am pesticide or herbicide free. I can go by a crop and I
7 can smell it, and I start reacting immediately. Headaches,
8 nausea, and the like.

9 So for the -- I can't get away from it, no matter
10 what I do. And you can spray as carefully as you want, and
11 then you think that's quite all right, and it's not. Now,
12 on top of that, on that much of a problem, now you want to
13 come in my yard and spray it, too. And there, what am I
14 going to do, dig a hole and crawl in? That's about the only
15 way I'm going to get away from it.

16 You can't. You have to take in consideration the
17 people. The chemicals you spray are going to travel.
18 They're going to affect everybody.

19 Thank you.

20 DR. STRATTON: Thank you.

21 (Applause.)

22 MS. BIDDULPH: Coralie McMillan.

23 MS. McMILLAN: Coralie McMillan, C-o-r-a-l-i-e, M-
24 c-M-i-l-l-a-n. And I have some organic wine here.
25 (Applause.)

26

1 MS. McMILLAN: And you have to use your
2 imagination, this is an organic beef. And that's what we
3 do, organic beef. My family, my husband's family, has been
4 in agriculture always, and they have 2,000 acres, the family
5 ranch. Part of it's in Kern County, which is leased out for
6 cattle. And mind you, Kern County has so many Glassy Winged
7 Sharp Shooters they don't even spray there, so it gives you
8 an idea how ridiculous this whole thing is.

D5-29

9 And then on the 1200 acres, in San Luis Obispo
10 County it's mostly in CRP, but when it wasn't we grew
11 organic barley, because the ranch never did have pesticide
12 use on it. And what land isn't in the CRP is organic
13 cattle. It's a choice. And I'm angry. I'm mad. And it
14 doesn't even mention psychological damage you do to people
15 who've spent their whole generation after generation after
16 generation choosing a way of life, meaning growing organic
17 food. And we have a right for it. We -- and what happened
18 to property rights? Boy, does the mast come down, doesn't
19 it. There isn't -- there isn't property rights for people
20 like us. We, if you're not in special interest, you have no
21 rights. You have no political power whatsoever.

22 When I think about somebody in San Luis Obispo
23 making money, buying land in Shandon, and then saying we're
24 going to come over on your place and spray, well, where is
25 psychological damage? What are you going to do? When he

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D5-30

(cont.)

27

1 comes on the property, are you going to punch him in the
2 nose and end up in jail? You're going to end up in court
3 because you have a right to sue, because the right to farm,
4 that's a new application.

5 I mean, I mean this is so ridiculous. And I think
6 that needs to be accounted for, because what you're doing is
7 not giving us a choice in how we want to grow our food, and
8 you're not giving people a choice in how they want to buy
9 their food. Organic food isn't in farmers' markets anymore.
10 You can buy it in the grocery store. And the wine industry,
11 right now everybody loves the ambience of wine. How long is
12 that going to last when you start having wars with people,
13 when you're go in their back yard and spraying for something
14 that they don't even spray in the other counties? It really
15 makes me angry. It really makes me angry when I think about
16 it.

17 And let me give you an idea about grasshoppers.
18 You're opening up Pandora's Box. We have grasshoppers out
19 where we are. Every so often the grasshoppers gobble
20 everything. And last summer they ate everything in sight.
21 And yet what do the vintners say? Oh, well, the grass --
22 they sprayed, of course, they had to kill them -- and they
23 said oh, but the grasshoppers weren't on our property, it
24 was on the neighbor's property. If you gave them the right
25 they would go right to our land and eat the grasshoppers

28

1 You've got big problems. You really do. Or
2 they're not problems to you, and it's just a feeling of
3 hopelessness for the rest of us. And a -- a bad cultural
4 thing to do.

5 (Applause.)

6 MS. BIDDULPH: Pamela Heatherington.

7 MS. HEATHERINGTON: Good evening. My name is Pam
8 Marshall Heatherington. I would spell it out, but it might
9 take my three minutes.

10 I'd like to start with 5.1-9, organic farming.
11 The Draft Environmental Impact Report states that there is a
12 potential for loss of organic certification for organic
13 growers, yet no compensation is offered. The CDFA is
14 choosing one form of agriculture over another. What
15 methodology was used in determining the survival of one type
16 of agriculture over another? Why choose agricultural
17 practices that are unhealthy for the land and the people,
18 and ruin the industry of the organic vintner?

19 On N-4. In correspondence from the National
20 Marine Fisheries Services, it was stated that the Pierce's
21 Disease Control Program is designed and conducted to control
22 the spread of Glassy Winged Sharp Shooter, and will not
23 escalate into an eradication effort. The use of the word
24 "eradication" was given by Dana Merrill. What is the
25 definition of an eradication program? Is not the intent of

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D5-30
(cont.)

D5-31

D5-30

D5-32

29

1 the Pierce's Disease Control Program to eradicate the Glassy
2 Winged Sharp Shooter? Would there be public input when and
3 if CDFA decides to make this an eradication program? Does
4 it float that it is not an eradication program, and how does
5 this impact the health of the population and the
6 environment?

7 5.2-19, how can a claim be made of no significant
8 impact when you have to notify people. People who feel they
9 are sick, those that are chemically sensitive, have no leg
10 to stand on. Notification is listed as a mitigation because
11 the CDEA has not consulted studies of proof for impact on
12 sensitive populations. The CDEA needs to obtain these real
13 studies and then determine the acceptable levels of
14 exposures for such sensitive populations. Notification
15 cannot be a form of mitigation.

16 On page P-13, the document states that the right
17 dose differentiates a poison and a remedy. Again, the issue
18 of relativity as to when a dose is not poison. The way many
19 chemicals are legally allowed to be used can be poisonous to
20 wildlife and people. Cumulative doses and synergistic
21 effects of mixing chemicals needs to be addressed.

22 Page P-32, both carbaryl, merit or imidacloprid
23 may impact beneficial organisms such as honeybees. Where
24 are the studies looking at chemicals moving up the food
25 chain, the creatures that eat the honeybees, and so on.

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30

1 Reports of birds being negatively impacted when eating seeds
2 treated with emedipropid were contained in the Draft EIR.
3 Carbaryl kills all invertebrates, including worms. How can
4 there be no significant impact when it is known that
5 wildlife is impacted?

6 On Page S-3, it states that there is currently no
7 health level established for acute inhalation exposure to
8 carbaryl. How can you then assume that there is no
9 significant impact on human health? Even though DPR
10 established an interim health screening level, how do you
11 know this is adequate protection?

12 I have about three more sentences.
13 On the front page of today's local paper, the use
14 of new drugs is called medical Russian Roulette. Are we to
15 assume that CDFA is any better prepared to protect us than
16 the FDA?

17 My last concern is funding for oversight of this
18 program. As budgets are cut across the board how will we be
19 guaranteed that oversight for this program will be continued
20 so that populations will not be adversely affected by lack
21 of oversight.
22 (Applause.)

23 MS. BIDDULPH: Sorry, I made an error in calling
24 Mr. Green up before everybody had a chance to speak at least
25 once. So our next speakers will be Andrew Reichert, Kris
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**D5-32
(cont.)**

1 Carbaryl kills all invertebrates, including worms. How can
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**D5-36
(cont.)**

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D5-38

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D5-39

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25 once. So our next speakers will be Andrew Reichert, Kris
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31

1 O'Connor, and then Eric Greening.

2 Please, as a courtesy, if your cell phone is on,
3 turn it off. I hate to have that interfere with my
4 obnoxious beep up here. Thanks.

5 MR. REICHERT: Good evening. My name is Andrew
6 Reichert, I live in Arroyo Grande, formerly in the area of
7 Los Angeles and various other parts of the country. And
8 even, as you might tell from my accent, other parts of
9 the world.

10 I'm an engineer by background. I deal with logic
11 cause and effect. I have a major legal issue with the Draft
12 EIR and the fact that it is grossly misnamed. It should be
13 named Pierce's Disease Permanent Control. A program is
14 something that has a start and an end. I have been briefing
15 through the EIR, there is no mention of an end date, there's
16 no mention of staged applications, there is no mention of
17 control of limits amounts or time.

18 In this event, then we possibly, as residents of
19 the county who are not beneficiaries of the wine industry,
20 face our back yards being torn up and sprayed, maybe
21 monthly, maybe bi-weekly, maybe quarterly, in 2003, '04,
22 '05, '06, 2020, 2025, who knows. This is not an
23 environmental impact report, because it does not -- it's not
24 an answer to the problem that is stated. This document is
25 completely legally unfounded. Its conclusions are totally

32

1 inadequate, and completely wrong. And members of the board,
2 please, I'd like you to bear that in mind when you proceed
3 with your analysis.

4 As far as what it's trying to do, the report

5 itself states that the Sharp Shooter is endemic in the
6 southeast. The report states that the problem is and can
7 only be contained somewhere south of Santa Barbara. This is
8 the area where an attempt at eradication is being made. Yet
9 if we look at that track record, of course, humankind has
10 never, to my knowledge, eradicated a single insect species
11 anywhere in the world. What it has done is used a lot of
12 chemicals, other forms of biological warfare, and it has
13 harmed the humans, the animals, the birds, and the insects
14 doing that, without affecting the insects at all.

D5-40

15 So I guess my other question that goes along with
16 the illegality of the document is why are we trying to do
17 this? We know we can't win. You know you can't do it. And
18 on top of that, we're trying to eradicate an insect when the
19 problem is the bacteria the insect carries.

20 So I'd like to make a second point and say that I

21 think that the conclusion of what we're trying to do seems
22 to be completely at odds with what the problem is. I don't
23 know whether I should sort of put it in these terms, but
24 growing grapes for profit seems to be a very new experiment
25 in this area, grapes are not indigenous to this part of

D5-41

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D5-41
(cont.)

D5-42

33

1 California, and I believe that Mother Nature is telling us
 2 that it won't work. Maybe we should listen.
 3 Thank you.

(Applause.)

DR. STRATTON: Thank you.

MS. BIDDULPH: Kris O'Connor. I believe she
 7 exited.

Eric Greening.

MR. GREENING: Eric Greening, again. And I was on
 10 page 5.1-9, addressing disruption of organic farming.

The only justification for this destruction of
 12 organic operations, which take years to restore and
 13 recertify, is to prevent economic impacts to other
 14 conventional operations. Why is an environmental document
 15 advocating the destruction of environmentally benign
 16 businesses to protect continuation of environmentally
 17 destructive ones? Why is no alternative environmentally
 18 superior project put forward that would disrupt toxic
 19 dependent agriculture to protect organic operations? Why
 20 not require affected and threatened vineyards to break up
 21 their mono-cultures with wide strips of non-host crops and
 22 to back away from residential and riparian areas to provide
 23 truly effective buffers?

Page 5.2-11, quote, "Combinations of pesticides
 25 may also be used," unquote. Where is the analysis of

34

**D5-42
(cont.)**

1 synergistic effects of these combinations on humans and
 2 animals, and how can a finding of insignificant impact be
 3 made without such analysis?

4 Page 5.2-12, what is a reasonable certainty of no
 5 harm to human health. Appendix P makes clear that
 6 assessment of pesticide risks is based on the acceptable
 7 risk model that allows the setting of a tolerable level of
 8 deaths and illnesses. Are victims supposed to think that
 9 their sacrifices to protect the economic interests of others
 10 are reasonable?

11 Page 5.2-17. The presence or absence of fragile
 12 populations cannot be predicted by studying land use
 13 categories. Residential areas are conspicuously absent from
 14 your list of areas given special consideration, even though
 15 users of schools and parks spend more time at home than in
 16 these recognized sites. Not all sensitive receptors
 17 recognize themselves as such, nor can be counted on to speak
 18 up for themselves. Those well educated individuals who have
 19 consistent relationships with personal physicians who know
 20 them well, and the knowledge to encourage their health
 21 providers to seek environmental causes behind patterns of
 22 illness, may have a chance of recognizing that they need
 23 special protection.

24 Children, the less educated, those who've never
 25 heard of environmental illness, and the many whose medical

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**D5-45
(cont.)**

D5-46

D5-47

D5-43

D5-44

D5-45

35

1 care is fragmented or non-existent, may have no idea why
2 they are repeatedly or chronically ill. They may not
3 realize that further exposure to toxics represents a lethal
4 threat, nor would women in the earliest stages of pregnancy
5 carrying the most sensitive receptors of all, subject to
6 lifelong damage from concentration in parts per trillion of
7 certain toxins, necessarily recognize their vulnerability.

8 And if you could again return my card to the
9 bottom of the stack, I probably can finish next time.

10 Thank you.

11 MS. BIDDULPH: Is Ms. O'Connor --
(Applause.)

12 MS. BIDDULPH: Justin Grunewald.

13 MR. GRUNEWALD: All ready here? Okay, I got about
14 half of my notes written since I walked in here, so let's
15 see how I do.

16 My name is Justin Grunewald. There's three main
17 points I want to make. Two of them I have written down, so
18 let's see how I do on the third one.
19 The first one is pretty straightforward.
20 Basically, the science is incomplete on this, clearly, and
21 where life and health is at issue it seems like it's a
22 pretty cut and dried equation, as far as you guys doing your
23 jobs. On a similar note, in terms of protecting the long-
24 term agricultural and economic value of this area, it seems

**D5-47
(cont.)**

36

1 really silly to, as Eric stated, put the economic interests
2 of a single segment of the agricultural population ahead of
3 the whole population. It doesn't even go as, I mean,
4 organic agriculture is one of our main, you know, growth
5 areas for, you know, future high value crops. That's a
6 definite significant thing. But really, this is affecting
7 or has the potential to affect the whole agricultural base
8 of the area for a long time to come. A lot of the farmers
9 and orchardists I know are already having problems with
10 pollination, and, you know, unless we're extremely careful
11 about a lot of things we don't have a -- we don't really
12 know about, and we're dealing with adaptable organisms, I
13 don't know enough about it to really talk about it.

14 I know none of us really know that much about how
15 different pesticide combinations can affect pollination, can
16 create resistant bacteria, or not just bacteria, resistant
17 insects. I brought up bacteria because what got me thinking
18 about this was running into, today, an article about
19 antibiotic resistance in the medical situation. I guess
20 this would kind of be akin to, you know, treating an
21 unsightly facial infection with antibiotics, and then
22 causing the internal organs not to be able to deal later
23 because that creates resistance in something that takes out
24 the kidneys, or something like that.
25 Grapes are fairly new luxury crop, as was stated,

**D5-48
(cont.)****D5-48****D5-49**

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37

1 kind of an experiment in the area. It would be a real shame
2 to damage the future of the whole established agricultural
3 base in the area, especially since a big part of the problem
4 with the grapes is they're not using the old heritage
5 techniques, hedgerows, you know, basically taking good care
6 of their crops by these and just sound management practices
7 that have been used for generations.

8 So, thank you.

9 DR. STRATION: Thank you, Justin.

10 (Applause.)

11 MS. BIDDULPH: Mac Learned.

12 MR. LEARNED: I'm Mac Learned, M-a-c, L-e-a-r-n-e-
13 d. I happen to work for Bayer Corporation testing
14 pesticides, so that lets you know what side of this I come
15 down on.

16 I find it interesting that there are two programs
17 being run in the state that nobody really referred back to,
18 or few people did. In Temecula, they've been battling this
19 pest at a tremendous loss to a few growers, you know. The
20 California agriculture isn't going to crash if Temecula goes
21 downhill. They've got about 3,000 acres of citrus and about
22 2,000 acres of grapes. However, just as the people who are
23 sensitive to pesticides, if you are a grape grower or a
24 citrus grower in that area, it is a big deal.

25 In controlling this pest there, they have made

38

1 great progress in getting the numbers low. As far as I
2 know, they have not resorted to spraying yards other than on
3 a voluntary basis. There are organic lemon producers there
4 who I have worked closely with the UCR faculty member who's
5 working closely with them, trying to use organic materials.
6 They haven't disturbed their organic rating at all, and
7 they've controlled the Sharp Shooters there.

8 Also in Temecula, there's a huge interest, and it
9 might not be in everybody's top rank of what's important,
10 but the whole area of Temecula is very concerned about this
11 pest because of jobs. Not just for the wine producers, but
12 there is a huge tourist industry there that centers around
13 this. It's hotels, restaurants, people who take -- drive
14 them out to tours of wineries, fancy restaurants, not so
15 fancy restaurants, all the things that go along with
16 tourism. It's important to that area.

D5-50

17 A couple of things, also, in Kern County they do,
18 in fact, spray a lot for Glassy Winged Sharp Shooters.
19 That's the other pilot program. It's not all over the
20 county because they realize it's not all over the county
21 where Pierce's Disease is a problem. They've concentrated
22 on one area which is an interface of citrus and grapes, and
23 they, too, are making great strides in reducing the numbers.
24 It will take two or three years to see if that translates
25 into reducing PD.

**D5-49
(cont.)**

**D5-50
(cont.)**

39

1 A comment was made on reducing pests, how is this []
2 going to reduce the disease. I just would have to point out
3 malaria, yellow fever, encephalitis, typhus, plague, we have
4 not eradicated fleas, mosquitoes or lice, but in controlling
5 them we've done a very good job of keeping those diseases
6 that bother us under control. Toxicity to bees, yes, these
7 materials can be toxic to bees, but the product label is a
8 legal document that they are applied by, and our product
9 states that you do not apply it when the plants are
10 flowering, that you notify beekeepers, and it's being used,
11 it isn't just used on Sharp Shooters, it's used on many
12 crops all over the state for the last ten years, and there
13 have not been bee problems.

14 What I do was kind of referred to as junk science
15 at the starting of this meeting, and I'd just like to point
16 out a few inconsistent -- okay. Can I put my card back in
17 the pile, please?

18 DR. STRATTON: Sure.
19 (Applause.)

20 MS. BIDDULPH: Don Ackerman.
21 Eric Greening.

22 MR. GREENING: Thank you. Eric Greening, again.
23 I think I can finish up Life On Planet Earth's comments this
24 time. I'm back on the quote, unquote, fragile populations
25 section that starts on 5.2-17.

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40

1 This document offers no analysis of potential
2 exposure pathways endangering sensitive people whose homes,
3 or even neighboring homes, are sprayed. What of the
4 tracking of pesticides into houses by people and pets, where
5 they persist on floors far longer than they would in the sun
6 and wind. Small children have lots of contact with floors.
7 Where is the mitigation to protect the unwitting fragile
8 from even the most likely exposure pathways.

9 Page 5.4-4 and 5.4-11. Quote, unquote, host plant []
10 removal of natural vegetation would probably lead to quick
11 succession by weeds, including host plants which favor
12 disturbed environments. Would herbicides be used to prevent
13 this succession? If so, where is the analysis of the
14 impacts of this herbicide use. Roadsides are used by
15 pedestrians, so human exposure pathways must be studied
16 alongside those for wildlife. If herbicides are not used,
17 where is the analysis of the impacts of vegetative type
18 conversion.

19 Page 5.4-9. The monitoring of applications in
20 nonagricultural areas refers to residue levels. In a
21 chapter on biological resources, why is there no monitoring
22 program for bio-accumulation in the food chain?

23 Page 8-29. The assumption that the proposed PDCP
24 is the environmentally superior alternative is indefensible,
25 given the many impacts overlooked. Section P sets out the

D5-52
(cont.)

D5-51

D5-53

D5-54

D5-55

41

1 quote, unquote, acceptable risk model of evaluating the
2 hazards. The cited authority, Paracelsus, lived 400 years
3 before the assault of synthetic chemicals that arose during
4 the Twentieth Century. Medical science in his time was
5 based on the doctrine of humors. Paracelsus knew nothing of
6 enzymes, hormones, vitamins, or genes. Nothing was known of
7 the nature of chemical bonds or reactions, and molecules
8 were unheard of. In the 21st Century, we know enough to
9 replace acceptable risk with the precautionary principle.
10 Instead of asking how much damage we will tolerate, we
11 should ask what the problem is and then ask what is the
12 safest practical way of dealing with it.
13 Please take not only this EIR, but the project it
14 describes, back to the drawing board for a complete
15 rethinking.

42

1 going on on wine grapes. It is not a mono-culture there,
2 but they cannot grow them because of -- well, not only the
3 Glassy Winged Sharp Shooter, they have several species.
4 It's not just that one that's a problem. But, so mono-
5 culture is not a problem.

D5-55

6 I heard about bio-accumulation. Bio-accumulation
7 happens with certain classes of chemistry. It is not
8 uniform in all classes of chemistry. It does not happen
9 with all pesticides. I heard that there was concerns with
10 why don't they specify what chemicals. Well, because the
11 product label often restricts what chemicals can be used on
12 what crops, and when you get into back yard situations it's
13 a real can of worms, so they've just got to use what is
14 labeled, registered, whatever. It would be impossible to
15 put down all the alternatives.

D5-56
(cont.)

16 Let's see. Oh, the other point that was made was
17 having vineyards pulled back from residential areas. You
18 know, I have not seen many areas, other than one farmer in
19 Minneapolis who farmed vacant lots and forgot where half his
20 soybeans were during the year, where it wasn't residential
21 areas encroaching upon vineyards and farmers' fields. And
22 they can only pull back so far. So I really think it's are
23 we going to stop residential areas from moving out adjacent
24 to vineyards, as everybody likes to be near them.
25 So those are my points. Thank you.

D5-56

D5-57

16 I heard about bio-accumulation. Bio-accumulation
17 happens with certain classes of chemistry. It is not
18 uniform in all classes of chemistry. It does not happen
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D5-58

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1 DR. STRATTON: Thank you, Mac.

2 (Applause.)

3 MS. BIDDULPH: Is there anyone wishing to speak

4 that hasn't had a chance to speak yet?

5 MR. ACKERMAN: Hi, I'm Don Ackerman, A-c-k-e-r-m-a-n. I'm a member of the Central Coast Vineyard Team and a

7 grape grower myself in the Paso Robles area.

8 I'd just like to make a few comments regarding some of the things that have been said. As far as grapes are not indigenous to this area, that is certainly true, and neither is the Glassy Winged Sharp Shooter and Pierce's Disease, which it carries.

10 As far as taking good care of our crops, someone said that, and that is totally -- would totally be against our economic interest not to take good care of our crops.

12 We certainly do. I have a small vineyard and take very good care of it, and it's a place where I raise my family and I

14 wouldn't treat it in any way that would endanger my family's health or my -- the health of my small children.

16 As far as classifying wine grapes as a luxury crop, you know, that's a value judgment that I just really don't understand, because we can start slicing and dicing agriculture many ways. You know, should we not grow lettuce or radicchio or almonds, or, you know, what have you. I think if you take any one commodity you could say well, it's

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1 not really necessary. But, you know, in the whole -- wine grapes are really something, it's an ancient, ancient industry, producing wine grapes, and wine. And, you know, some people have actually called it the world's second oldest profession, making wine, you know. It's a method of preserving the goodness of fresh grapes.

7 And I think that that can actually also speak to the health concerns that were mentioned and the terrible increase in cancer which we've seen. Through I think many, many different environmental -- I mean, I've read a lot of articles about how the increase in fat in the diet has had a big impact on the rise of the increase in cancer. There are many studies that have indicated that there are tremendous health benefits to the moderate consumption of wine. And, in fact, wine could possibly be an answer to some of these health problems.

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D5-59
(cont.)

D5-59

1 At this time of year I always suffer through some environmental related health concerns, and that's allergies that are created from pollen of non-native species. And, you know, it's really too late, I think, at this point to do much about the introduction of a lot of these species that give me hay fever, and maybe a lot suffer, maybe a lot of people out there suffer from it. But possibly, if those had been somehow contained like we're attempting to contain the Glassy Winged, if those had been contained, those non-native

45

1 species that were introduced, maybe we'd all suffer a lot
 2 less from those environmental allergens.
 3 And that's it.
 4 (Applause.)

DR. STRATTON: Thank you, Don.

MS. BIDDULPH: Is there anybody else wishing to
 7 speak that hasn't had a chance?

Anybody that would like a second chance? Linda.

MS. MCELVER: Linda McElver, again.

The first thing I'd like to say, it's against the
 11 law for the California Department of Food and Ag to imply
 12 that a pesticide is -- will cause no reasonable harm. There
 13 is always an acceptable risk. We have bumper stickers if
 14 anybody wants to see them. The acceptable risk population
 15 is not defined in the EIR, and this needs to be clarified
 16 because CEQA requires that everyone have a healthful living
 17 environment and that there not be an acceptable risk.

Some other things I would like to address. First
 19 of all, as a non-governmental public health representative
 20 on the Glassy Winged Environmental Task Force, there was no
 21 report of any damage to citrus. It was explained to us that
 22 the citrus, Pierce's Disease that affects citrus is not in
 23 this country. However, citrus growers in southern
 24 California and in Temecula are ripping out their healthy
 25 trees because for the last ten years, as far as I -- was

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**D5-59
(cont.)**

1 explained to me by CDFA, Glassy Winged Sharp Shooter has
 2 lived in those trees, with Pierce's Disease around, and it
 3 has not affected the citrus trees. It affected the wine
 4 grapes when the wine grapes were planted right nearby.

5 So in Temecula, which is ground zero for Glassy
 6 Winged Sharp Shooter and Pierce's Disease devastation, we
 7 are -- I think it was 20 to 30 percent of the crop was lost.
 8 Some Calloway vineyards had a 49 percent loss. They

9 attributed some of this to wine varieties that are not as
 10 disease resistant as others. They attributed some of the
 11 loss to vines that were not properly pruned once the disease
 12 was detected. Entomologists have determined that they could
 13 have saved some of those vines if they had pruned them in
 14 time. And now there is a test available.

D5-60

15 Wine growers in Temecula have survived this
 16 devastation. They have survived. They rip out the citrus
 17 trees, they plant different varieties. They spray
 18 pesticides. They are coping with this. The year they had
 19 this huge devastating loss, they also had a 20 to 30 percent
 20 increase in crop. In fact, in some areas of Kern County,
 21 when I've driven through it, there were grapes rotting on
 22 the vine because nobody was going to buy them.

23 So this whole, in my opinion, this whole thing,
 24 there is no emergency. An emergency by definition under
 25 CEQA is supposed to be something like an earthquake, not a

**D5-61
(cont.)**

D5-61

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1 problem for an industry.
2 Now, I have nothing against the wine industry. I
3 have nothing against people growing grapes, and I am glad
4 that they grow grapes, and I am proud of our area that grows
5 grapes. But I don't think my tax dollars should be used for
6 a program that's going to force pesticides on anyone's
7 property, especially healthy people and people who are sick.
8 Because there are risks. It's not safe for everyone, and
9 you can't prove it. It's time for the government to prove
10 absolute safety, and if they can't, then stop it.

11 Thank you.

12 (Applause.)

13 DR. STRATTON: Thank you, Linda.

14 MR. REICHERT: I apologize, but standing here
15 listening to myself is getting addictive, and everybody else
16 seemed to want a second chance, so I thought I'd add a
17 little marketing sparkle to this. It's been a little bit of
18 a dull sort of, you know, technical meeting so far.
19 So I think maybe we should possibly sing the
20 ending here. I was going to suggest that, with my voice, if
21 you can perhaps follow along.
22 Oh, give me a home where the zinfandel roam, and
23 the deer and the antelopes die; great grapes growing free
24 without any trees, and I can drunk when I cry.
25 What it comes down to is a simple question. Do

48

1 you want pesticide booze or good food? It's up to you.

2 Thank you.

3 (Applause.)

**D5-62
(cont.)**

4 MS. STEELE: The name is Ann Steele, A-n-n, S-t-e-e-l-e-e
5 e-l-e, resident of Arroyo Grande.
6 I've been studying the pesticide issue for many
7 years, and I've been a frequent visitor to our local Ag
8 Commissioner's office since about 1980, whereabouts, give or
9 take a year or two. And one of the significant things was
10 that the animals get sick. The animals get feline leukemia.
11 They get cysts. They get tumors. They hemorrhage from the
12 nose, they hemorrhage from other sources in their body.
13 Humans, they get cancer. They get asthma attacks. They get
14 lymphomas. Children are born ADD. They're born with
15 hearing problems. They're born with deformed ears. They're
16 born with deformed hearts. They're born with many other
17 defects from exposure when the parent was not aware that she
18 was a parent yet.
19 The other thing that I'm listening to is that no
20 one has mentioned this, and I was going to have Eric
21 Greening come up and say this, but seeing that I did the
22 research he said you go up and say it.
23 No one has mentioned the fact that the military
24 base that's right adjacent to these grapevines down in
25 Temecula has a Superfund site on it, with contamination into

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**D5-63
(cont.)**

D5-64

D5-63

19 So I think maybe we should possibly sing the
20 ending here. I was going to suggest that, with my voice, if
21 you can perhaps follow along.
22 Oh, give me a home where the zinfandel roam, and
23 the deer and the antelopes die; great grapes growing free
24 without any trees, and I can drunk when I cry.
25 What it comes down to is a simple question. Do

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1 the water supply down there. The aquifers are contaminated.
2 Has that been addressed as far as the wine grapes down in
3 that area, because if there is contamination and it's too
4 dangerous for humans, it is also too dangerous possibly for
5 plants. And the source of the contamination may be the
6 groundwater that is watering these plants, and the poor
7 little bug is getting the bad rap for something that the
8 humans have already done.

9 This poor little bug who does not bite a human,
10 does not bite dogs, does not bite cats, does not bite
11 anybody except a grapevine every once in awhile for lunch,
12 is getting a rap for a lot of bad press, and I don't think
13 it's quite fair. Humans can be equal to any other living
14 form, and they need to be protected, as well. So why should
15 we protect a glass of wine, when we aren't protecting all
16 the humans with equal vigor?

17 Thank you.

18 (Applause.)

19 DR. STRATTON: Thank you.

20 MS. BIDDULPH: Anyone else?

21 MR. MERRILL: Yeah, Dana Merrill, again.

22 I just had a couple of quick comments, just not so
23 much maybe for the EIR, but I think for people that have
24 said some things here and may be a little confused.
25 I just came back from Temecula. I was there last

50

1 week, Thursday and Friday. Believe me, the battle is far
2 from over in Temecula. Lots of dead grapevines. And the
3 other thing you might be interested in, that the threat to
4 citrus is considerably more severe than people might have
5 thought. You not only have the problem of this moving up
6 from Brazil and it will be here to our country, and it will

7 kill citrus just like it's killing grapevines, but also
8 these pests suck the equivalent of a person drinking a
9 swimming pool of water every single day. That's how much
10 liquid they take in. And then the excrement out, a charming
11 mist called Sharp Shooter rain.

12 And if there's a deficiency in this EIR it might
13 be that there needs to be some analysis on Sharp Shooter
14 rain, because I submit that anybody who is extremely
15 susceptible to, you know, pesticides and chemicals, and so
16 on, might also be very susceptible to a deluge of Sharp
17 Shooter rain, which will invade your back yards, it will
18 attack your citrus in your back yards, and it may well be to
19 the point that you can't raise citrus at all. And oranges
20 are very healthy for you to eat.

21 They're finding in Ventura that crop -- that the
22 citrus is reduced in size by now 20 percent. Water use has
23 gone up from an acre/foot a year for citrus to five
24 acre/feet per year, which is like as much as alfalfa would
25 use. So there is a significant impact to this pest. It

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D5-65
(cont.)

D5-64
(cont.)

D5-66

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**D5-66
(cont.)**

1 also is now turning up in almonds, it's a real threat.
 2 And I think that, again, what we're saying is that
 3 we need to hold the pest out of here, and we need to hold it
 4 at bay, and then we need to come up with a long-term
 5 solution. We're not -- there's nobody suggesting that this
 6 is going to go on 25 years. I think we can make a lot of
 7 progress. We now have money, we've raised money. But to
 8 suggest that it's only to protect glasses of wine and
 9 nothing else is at risk is naive, and I think that it is a
 10 real threat to organic farming. And I think that if we all
 11 band together we would be better served to try to address
 12 the threat than just put our head in the sand and say it's a
 13 charming little bug, and it really doesn't hurt anything,
 14 and let's all pretend that wine grapes are the only thing it
 15 attacks.

16 So I think everybody, everybody needs to learn all
 17 the facts involved. And, believe me, in Temecula, it's far
 18 from over. And you ought to go down there. You really
 19 ought to go down there and see it. It'll make you sick to
 20 see what's going on with the vineyards, and it's just a
 21 precursor of what's going to happen to other crops, as well.
 22 Okay. That's --

(Applause.)

23 DR. STRATION: Thank you.

24 MR. LEARNED: Sorry, I broke my promise. Mac

52

**D5-66
(cont.)**

1 Learned, again.
 2 My comments, again, went to Temecula. Yes, as
 3 part of the Sharp Shooter control they did not just use
 4 pesticides in that area. Part of the control method was to
 5 get rid of hosts that were being unattended. They did not
 6 take out active producing citrus groves unless somebody
 7 wanted to -- to put houses up. Water is extremely
 8 expensive in Temecula. And there are a lot of groves that
 9 were just held on so that they could be called citrus
 10 groves, so they could sell them to a developer. Some of
 11 these were abandoned, and the trees, the sick trees, believe
 12 it or not, are often more attractive to pests than others.
 13 So as part of their whole control method, yes, they took
 14 those out. They've also taken out about 800 acres of
 15 grapes.

16 They are in business. They did produce better
 17 grapes, or more grapes this last year, probably because they
 18 were paying a lot more attention to the grapes that were
 19 there and the pruning. The pruning method to get rid of PD
 20 is a chainsaw at the base of the plant. Unless you're up in
 21 Sonoma, where there are other Sharp Shooters and typical
 22 pruning does work, but for Glassy Winged Sharp Shooters it's
 23 a chainsaw pruning. And you don't get production back for
 24 three years from that vine.

25 The other point is they used to sell grapes from
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**D5-68
(cont.)****D5-67**

1 these were abandoned, and the trees, the sick trees, believe
 2 it or not, are often more attractive to pests than others.
 3 So as part of their whole control method, yes, they took
 4 those out. They've also taken out about 800 acres of
 5 grapes.

D5-68

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1 Temecula to other areas, and because of this PD scare and
2 everything, they don't have the facilities to crush all
3 their own grapes. That's what they're looking into now
4 because their market out of the area has shut down.

5 Thank you very much.

6 DR. STRATION: Thanks, Mac.

7 (Applause.)

8 MS. BIDDULPH: Anybody else?

9 MS. McMILLAN: I just want to say something to the
10 vintners that are here, not the ones -- the ones that
11 believe it's okay, that are so arrogant to think you can
12 come on our lands and go ahead and spray it. What if we
13 went on your land and sprayed because of something that you
14 were causing to our cattle, for God's sakes? That's
15 arrogance. It's bad enough that you spray your own land,
16 but we don't stop you. But then to come over on our land
17 and spray it is just arrogant.

18 (Applause.)

19 MS. BIDDULPH: Anybody else?

20 DR. STRATION: Okay. If we don't have any other
21 speakers tonight, I do want to reiterate that we are taking
22 comments, written comments through May 17th. Feel free to
23 fill out a comment sheet and drop it in the box, or mail it
24 in at your leisure, at least up through the 17th of May.
25 And we'll just take a recess now and hope that maybe some

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**D5-68
(cont.)**

1 more folks might show up and express their comments on the
2 EIR.

3 Thank you all for coming.

4 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

5 -ooo-

6

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D5-69

1 more folks might show up and express their comments on the
2 EIR.

3 Thank you all for coming.

4 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

5 -ooo-

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8 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

D5-70

9 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

10 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

11 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

12 (Thereupon, the Public Meeting was
concluded at 7:40 p.m.)

**LETTER D5: MAY 1, 2002 PUBLIC MEETING TRANSCRIPT
(SAN LUIS OBISPO, CA)**

D5-1	This is a verbatim transcript of the introduction to the public meeting and summary of the Draft EIR, as presented at the meeting.
55	
CERTIFICATE OF REPORTER	
I, JAMES RAMOS, an Electronic Reporter, do hereby certify:	
That I am a disinterested person herein; that the foregoing United States Department of Food and Agriculture Hearing was reported by me and thereafter transcribed into typewriting.	
I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of this matter.	
IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of May, 2002.	
James Ramos Official Reporter	
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D5-2	Comment noted.
D5-3	See Master Response 7. The threat of the glassy-winged sharpshooter developing resistance to one or more pesticides is real. Current label restrictions imposed by the U.S. EPA, the CDRP, and the company that developed the new materials are designed to reduce the potential of resistance developing in the target populations. University of California guidelines for pesticide use in IPM programs are also designed to reduce the potential of resistance developing in the target populations. Although these may not prevent the development of resistance, they greatly lessen the speed with which it develops.
D5-4	Air monitoring studies conducted in conjunction with pesticide applications for the PDCP emergency program have demonstrated that the concentration of chemicals in the air at the time of pesticide applications and afterwards are many times less than amounts associated with any demonstrated impact on human health or the environment. This is discussed in the Draft EIR. Gulf war conditions are not comparable to those existing with pesticide applications for the PDCP.
D5-5	See Master Response 3. The amount of residue that may enter a structure is minute compared with areas to which direct application is made. Pesticides are applied indoors when indoor pests become an indoor problem. Residues that migrate or drift from outdoor to indoor environments continue to degrade and/or decompose. As a matter of practicality, it is not possible to entirely exclude elements from out-of-

doors such as dust, air, and moisture, from entering structures. Residue that could potentially reach indoors from pesticide applications for the PDCP would be significantly less than amounts associated with toxicity.	D5-12	The PDCP Science Advisory Panel is made up of experts familiar with the pest and how to manage infestations. The Draft EIR provides information regarding non-program advisors and consultants and the role each plays, such as CDRR, USFWS, and state and local health departments. CDFA works with state and local health departments to provide the medical community with information about pesticide application programs that may be necessary in non-agricultural environments, e.g., urban and residential neighborhoods. Individuals are encouraged to contact either the local health department or agricultural commissioner's office, or special telephone numbers that are set up to receive health-related questions or reports of illness. In addition, physicians in California are required by law to report any illness or condition that they suspect may be related to exposure to a pesticide. CDFG and/or CDFA animal health personnel investigate incidents of suspected impacts on wildlife, fish, or domestic animals. See Master Responses 3 and 5.
See Master Response 10.	D5-6	See Master Response 2.
Chapter 8 of the Draft EIR provides an evaluation of the No Project alternative, as required by State CEQA Guidelines (Section 15112.6(e)). As described on page 8-16 of the Draft EIR, the No Project alternative would result in an increase in new glassy-winged sharpshooter infestations and impacts brought about by increasing infection rates of <i>Xylella fastidiosa</i> in susceptible plants. Thus, the No Project alternative would not meet the goal of the PDCP. See Master Responses 2 and 7.	D5-7	See Master Response 2.
When a Lead Agency approves a project which will result in the occurrence of significant effects which are identified in a Final EIR but are not avoided or substantially lessened, the agency shall develop a statement of overriding considerations and state in writing the specific reasons to support its action based on the Final EIR and /or other information in the record (State CEQA Guidelines Section 15093). The Draft EIR concludes that all of the potential environmental impacts of the PDCP would be less than significant, thus a statement of overriding considerations is not required. See Master Response 11.	D5-8	Comment noted.
See Master Response 1.	D5-9	Comment noted.
When a Lead Agency approves a project which will result in the occurrence of significant effects which are identified in a Final EIR but are not avoided or substantially lessened, the agency shall develop a statement of overriding considerations and state in writing the specific reasons to support its action based on the Final EIR and /or other information in the record (State CEQA Guidelines Section 15093). The Draft EIR concludes that all of the potential environmental impacts of the PDCP would be less than significant, thus a statement of overriding considerations is not required. See Master Response 11.	D5-10	Comment noted.
See Master Response 3. The PDCP would not result in physical alterations to the landscape and would not result in the physical division of a community.	D5-13	See Master Response 3. The PDCP would not result in physical alterations to the landscape and would not result in the physical division of a community.
Comment noted.	D5-14	Comment noted.
See Master Response 3. As stated on page 4-5 of the Draft EIR, failure to maintain real property so as to allow infestation by a pest, like the glassy-winged sharpshooter, constitutes a public nuisance (FAC Section 5401). It is unlawful to maintain such a nuisance (FAC Section 5402). These statutes are codified in Chapter 6, Part 1, Division 4 of the Food and Agricultural Code, and they are an exercise of the government's	D5-15	Comment noted.
	D5-16	

	D5-23	powers to abate nuisances. It is noted on page 5.1-5 of the Draft EIR that a warrant to enter the property must first be obtained in order for the county agricultural commissioners to abate public nuisances and treat the property if attempts to achieve voluntary cooperation from the landowner are unsuccessful. As described in Chapter 9 of the Draft EIR, CDFA understands that some members of the public may be upset over what is characterized as “involuntary exposure.” One of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.	Comment noted.
	D5-24		Comment noted.
	D5-25	See Master Responses 2 and 6. The Draft EIR assesses the impact of the use of pesticides on the environment by the PDCP. Research on the pesticides themselves falls under the jurisdiction of the U.S. EPA and CDPR.	
	D5-26	See response to comment D5-11.	
	D5-27	Section 8.1 of the Draft EIR provides a description of alternate control methods that have been evaluated by CDFA for their effectiveness against Pierce’s disease and the glassy-winged sharpshooter. Interplanting or border planting one crop in or beside another crop to increase the complexity of agro-ecosystems is evaluated on page 8-10 of the Draft EIR; the use of barriers, such as netting, is evaluated on page 8-9. CDFA has examined four program alternatives that use different combinations of control methods to slow the spread of the glassy-winged sharpshooter and <i>Xylella fastidiosa</i> .	
	D5-17	See Master Responses 2 and 6. The PDCP accepts and relies on the expert determinations of government agencies, and is obligated to follow the regulations.	The alternative suggested by the commenter was evaluated as Alternative C: Regulate the Movement of Commodities that May Carry the Glassy-winged Sharpshooter and Abate All Infestations of Glassy-winged Sharpshooter Outside of the Generally Infested Areas, but Do Not Use Conventional Pesticides in Non-Agricultural Areas. Based on available data, the use of non-conventional pesticide control methods in this alternative would not effectively lower glassy-winged sharpshooter numbers. See Master Response 7.
	D5-18	The statements are out of context and do not accurately reflect the evaluation provided in the Draft EIR. See Appendix P of the Draft EIR and Master Responses 2 and 3.	See Master Response 10.
	D5-19		This commenter’s personal experience is noted. See Master Responses 2 and 3.
	D5-20		Comment noted.
	D5-21		This comment is consistent with information provided in the Draft EIR.
	D5-22		See Master Response 2.
	D5-28		

D5-29	See Master Response 6.	D5-36	See Master Response 5. The potential impacts are discussed in Chapter 5.4 and Appendix P of the Draft EIR.
D5-30	Chapter 9 of the Draft EIR discusses public apprehension regarding the use of pesticides and what is characterized as “involuntary exposure.” As stated on pages 9-1 to 9-2, one of the purposes of the EIR is to inform the public of the destructive nature of a new and serious pest situation and why it is necessary to take action that may involve some short-term disturbance and inconvenience. A better understanding of the program may lessen the frustration and anxiety felt by the public, while offering insight into the nature of pests and the need to control them.	D5-37	See Master Response 2. Not having an established exposure limit for a chemical does not mean there is no acceptable exposure. Analysis may show that air concentrations that occur under natural circumstances are not known to be a health hazard. Information available to the PDCP from the agencies responsible for setting maximum exposure limits indicates that air concentrations measured in association with the application of carbaryl for control of the glassy-winged sharpshooter are less than amounts of concern. The PDCP does not establish acceptable exposure levels.
D5-31	See Master Response 10.	D5-38	The U.S. Food and Drug Administration (U.S. FDA) is the federal regulatory agency with responsibility for regulating food and drug products. CDFA is responsible for protecting the food production environment in California. The PDCP is an activity to provide such protection. CDFA works in conjunction with other agencies that have jurisdiction for providing protection for human health, wildlife, and resources such as water and air. CDFA is required to follow regulations imposed by jurisdictional agencies. Working together, the various agencies provide an optimal and comprehensive program of protections for the environment and the public.
D5-32	In the context of pest management, “eradication” means the complete elimination of a pest infestation from a designated area. The smaller the designated area, the more likely eradication will be achieved. In the case of the PDCP, unless better tools become available, eradication of the glassy-winged sharpshooter from the entire state of California is unlikely. However, eradication of small, isolated infestations within the state is possible. The CEQA process and other actions have given the public ample opportunity to provide input on the activities and goals of the PDCP and opportunity for input will continue through normal communication channels associated with government projects and agencies.	D5-39	Proper conduct of PDCP activities is a high priority for PDCP cooperators. Given that activities will be conducted within the context of other existing regulatory frameworks, persons should feel reassured that improper actions and oversights are not likely to occur.
D5-33	See Master Responses 2 and 3.	D5-40	See Master Response 1.
D5-34	See Master Response 6.		
D5-35	See Master Response 6.		

D5-41	The commenter does not specify how he feels the document is “legally unfounded” or why he feels the “conclusions are inadequate.” See Master Response 11.	D5-45	See Master Response 6.
D5-46	As stated on page 4-5 of the Draft EIR, CDFA is responsible for protecting the state’s agriculture and environment from non-native pests. CDFA and the state’s agricultural commissioners are to use all reasonable means to control or eradicate newly discovered pests (FAC Section 5251 through 5254). The goal of the PDCP is to minimize the statewide impact of Pierce’s disease. The strategy is to contain the spread of the glassy-winged sharpshooter and Pierce’s disease until researchers can find a treatment, cure, or other solution.	D5-47	See Master Response 3. Appendix P of the Draft EIR includes consideration of groups or populations that may differ in response to exposure to pesticide chemicals.
D5-48	Comment noted.	D5-48	See Master Response 2. As described in Chapter 5.1 of the Draft EIR, implementation of the PDCP could potentially result in the disruption of pest management programs and the temporary withdrawal of organic certification for growers. These could result in economic effects to growers; however, no significant environmental impacts are anticipated from these operational shifts. See Master Response 10.
D5-49	The commenter has misstated the discussion on page 5.1-9 of the Draft EIR. The Draft EIR does not make comparisons of potential economic impacts to conventional agricultural operations or organic agricultural operations with or without implementation of the PDCP. The discussion on 5.1-9 notes that PDCP-related applications of pesticides could lead to temporary withdrawal of organic certifications for growers, which could be economically adverse to growers who wish to market organic products. This impact is not considered an impact to the physical environment, and is less-than-significant according to CEQA. See Master Response 10.	D5-49	See response to comment D5-3.
D5-50	See Master Response 7. There are no data to suggest that using buffer/trap/refugia for beneficial organisms will control the glassy-winged sharpshooter below economically damaging levels (see Draft EIR Section 8.1.2). This is a land use issue outside the scope of this EIR.	D5-50	This comment is consistent with the information provided in the Draft EIR.
D5-51		D5-51	This comment is consistent with the information provided in the Draft EIR.
D5-52		D5-52	See Master Response 3.
D5-53		D5-53	As indicated on page 5.4-11 of the Draft EIR, vegetation that serves as a potential host to Pierce’s disease or the glassy-winged sharpshooter

	may be removed to reduce inoculum sources or pest numbers. Physical removal methods (cultivation, manual removal) would likely predominate, but use of herbicides is also possible. Such vegetation removal would occur in areas such as unmaintained cropland, roadsides, and elsewhere in proximity to infestations or vulnerable resources.	D5-58	Comment noted.
	This would not include removal of special-status plants or vegetation associated with sensitive habitats, such as riparian vegetation, wetlands, or native vegetation supporting special-status wildlife. Given that plant removal would occur in abandoned, unmaintained, and/or developed sites, the possibility and effects of consequent plant succession are not a significant environmental concern. Also, as established in the Draft EIR, exposure and non-target impact concerns associated with the use of registered pesticide materials is already addressed by federal, state, and local pesticide regulatory agencies. Therefore, an extensive analysis of the potential outcomes is not warranted.	D5-59	Comment noted.
	D5-60	The Draft EIR does not imply any chemical is without hazard potential. Hazardous materials may be used safely. As discussed in the Draft EIR, zero risk is not attainable. See Master Response 2 and Appendix P of the Draft EIR.	
	D5-61	See Table 3-4 on page 3-7 of the Draft EIR for a list of plant diseases caused by different strains of the Pierce's disease bacterium, along with whether or not each strain is believed to be present in California. The table clearly indicates that the strain which causes citrus variegated chlorosis (CVC) is not believed to be present in the state, so it cannot be causing damage in California at this time. However, the presence of the glassy-winged sharpshooter in California elevates the risk to citrus of future serious damage from CVC, since an aggressive, citrus-feeding vector of the disease is now present in the state and could rapidly spread the disease if it ever gains entry to California. This is similar to an area having mosquitoes capable of vectoring human disease; all that is needed for disease to actually occur is for a source of the disease pathogen to appear. Recent field observations suggest that new plant diseases are arising in areas infested with glassy-winged sharpshooter, due to introduction by the sharpshooter of the Pierce's disease bacterium into plants not previously exposed to the bacterium.	
	D5-62	See Master Responses 2 and 8.	
	D5-63	Comment noted.	
	D5-64	See Master Response 2. The information about the possible contamination at the military base adjacent to vineyards in Temecula is	
D5-54	See Master Response 5.		
D5-55	A “precautionary principle” doctrine involves many elements, and is too complex to be adequately treated in this document. Suffice it to note that precaution that is too narrowly focused may lead to adverse consequences elsewhere. Risk-benefit analysis is often used to balance competing interests. The pesticide use component of the PDCP is in conformance with the principles adhered to by existing government authorities. This is a policy issue rather than a component of environmental impacts of the PDCP.		
D5-56	This comment is consistent with the information provided in the Draft EIR.		
D5-57	This comment is consistent with the information provided in the Draft EIR.		

noted. However, the transmission of *Xylella fastidiosa* by the glassy-winged sharpshooter has been documented by CDFA in locations outside of the Temecula area. See Master Response 8.

- D5-65 Comment noted.
- D5-66 Sharpshooter rain is mostly water extracted from the plant with small amounts of minerals and perhaps sugars. It is unlikely that this fluid will harm plants or animals. As noted in this comment, the loss of the fluids from the plants may constitute a significant stress on the plants that are heavily attacked. Research is being conducted on citrus to document what if any impact glassy-winged sharpshooters have on fruit quantity, quality, and chemical composition. See Appendix T of the Draft EIR.
- D5-67 Comment noted.
- D5-68 Comment noted.
- D5-69 Comment noted.
- D5-70 This is the close of the public meeting.

5.0 DRAFT EIR REVISIONS

In some cases, responses to comments on the Draft EIR warrant changes to the text of the EIR. Also, changes in the Draft EIR may result from the discovery of meaningful editorial errors during preparation of the Final EIR. Revisions of the Draft EIR text are shown in Section 5.1, Text Changes to the Draft EIR. Text underlined represents language that has been added to the EIR's text. Words with ~~strikeout~~ indicate text has been deleted from the EIR.

5.1 TEXT CHANGES TO THE DRAFT EIR

Page 4-16 of the Draft EIR, the 2nd paragraph is revised as follows:

Activities to reduce the risk of spreading glassy-winged sharpshooter through shipments include: 1) inspection of nursery stock, bulk grapes, and citrus from infested areas prior to shipping to non-infested areas; 2) treatment of the shipments with registered pesticides or other methods suitable for leafhopper control when necessary; 3) certification of shipments; and 4) notification of shipment receivers to hold shipments for inspection prior to sale.

Page 4-37 of the Draft EIR, the last sentence is revised as follows:

CDPR has adopted 51.7 g/m^3 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) as an interim health screening level (Sanborn, 2000).

Page 4-34 of the Draft EIR, Table 4-6 is revised as follows:

**TABLE 4-6: PESTICIDES AVAILABLE FOR USE IN NON-AGRICULTURAL AREAS
AGAINST THE GLASSY-WINGED SHARPSHOOTER**

Active Ingredient		
Allethrin	Diatomaceous earth	Potash soap
<i>Beauveria bassiana</i>	Dimilin <u>Diflubenzuron</u>	Pyrethrin
Bifenthrin	Esfenvalerate	Pyrethrin and PBO
Carbaryl	Fenoxy carb	Resmethrin
Cinnamaldehyde	Fenpropathrin	Tau-fluvalinate
Cyfluthrin	Imidacloprid	Tebufenozide
<u>Lambda cyhalothrin</u> <u>lambda-cyhalothrin</u>	Kinoprene	Tetramethrin
Cypermethrin	Malathion	Thiamethoxam
Cyromazine	Permethrin	Tralomethrin
Deltamethrin	Phenothrin	Triforine

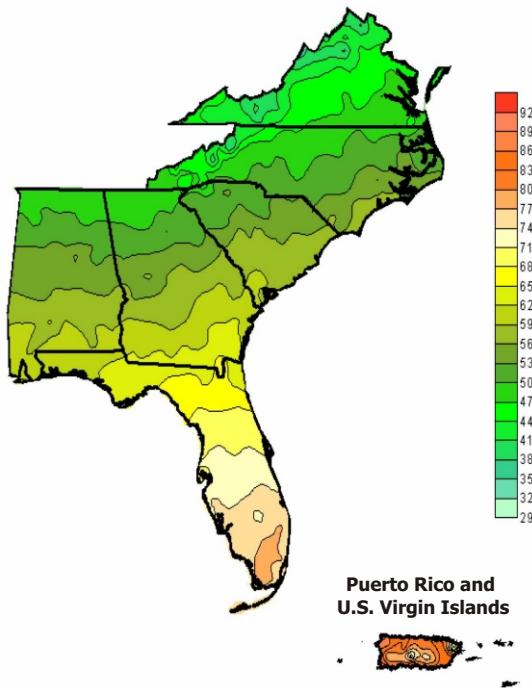
Source: CDFA 2001 (Appendix Q).

Page B-9 of the Draft EIR, Figures 1-5 are added to Appendix B.

Figures are shown on pages 5-3 through 5-7 of this “Comments, Responses, & Revisions” Document.

Appendix R of the Draft EIR, the following protocols for additional monitoring are added as follows:

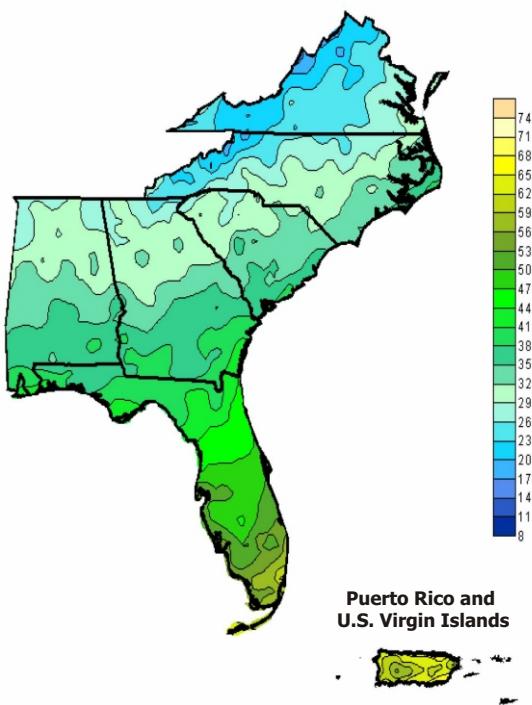
The CDPR protocols are shown on pages 5-9 through 5-13 of this “Comments, Responses, & Revisions” Document.



Southeast Maximum Temperature January Normal

Contour Interval - 3 Degrees Fahrenheit
Map produced using NCDC 1971-2000 Normals Data
Data is from National Weather Service First Order and Cooperative Stations

Figure 1



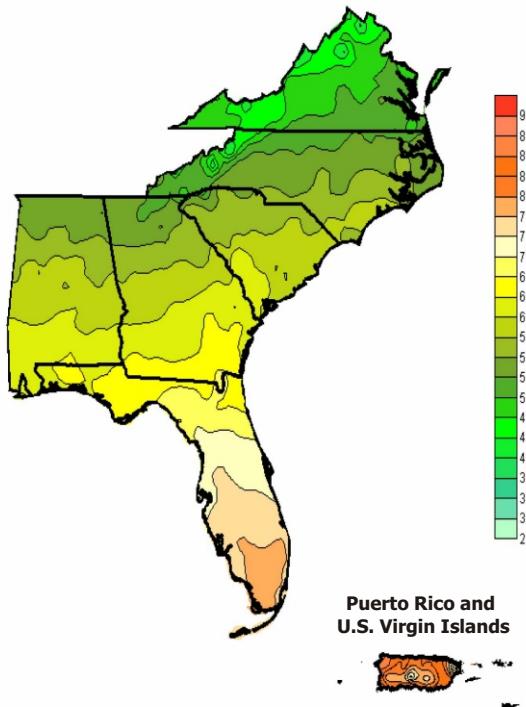
Southeast Minimum Temperature January Normal

Contour Interval - 3 Degrees Fahrenheit
Map produced using NCDC 1971-2000 Normals Data

Figure 2

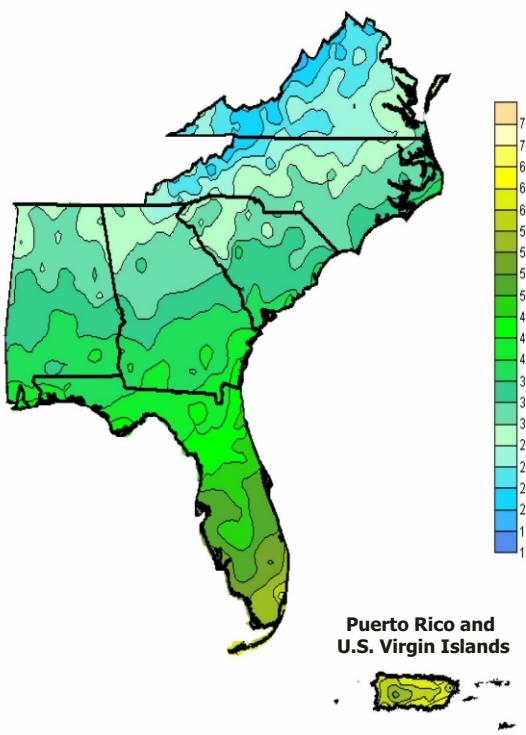
Source: Southeast Regional Climate Center, Feb. 2002.





**Southeast
Maximum Temperature
February Normal**

Figure 3

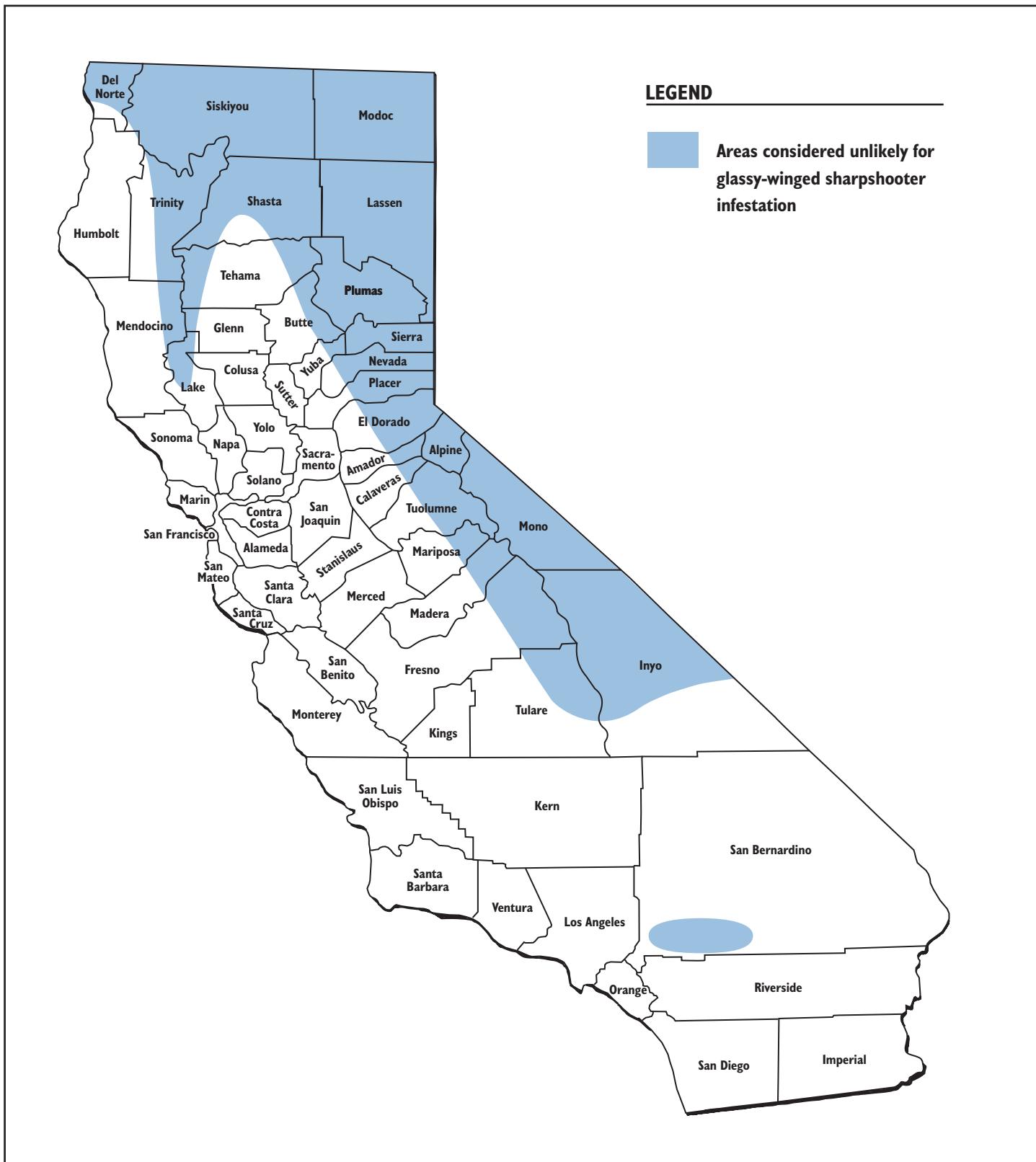


**Southeast
Minimum Temperature
February Normal**

Figure 4

Source: Southeast Regional Climate Center, Feb. 2002.





Source: California Department of Food & Agriculture, 2002

Figure 5

Pierce's Disease Control Program EIR

EDAW



California Environmental Protection Agency
Department of Pesticide Regulation
Environmental Monitoring Branch
1001 I Street
P O Box 4015
Sacramento, California 95812

**ENVIRONMENTAL MONITORING OF APPLICATIONS OF SECTION 18
INSECTICIDE(S) IN GLASSY-WINGED SHARPSHOOTER TREATMENT PROJECT
IN AGRICULTURAL AREAS**

March 1, 2001

I. INTRODUCTION

The California Department of Food and Agriculture (CDFA) proposes to use ground applications or chemigation of imidacloprid and possibly other insecticides under Section 18 label to control glassy-winged sharpshooter (GWSS) infestations in agricultural areas. The glassy-winged sharpshooter (*Homalodisca coagulata*) is a serious new pest in Central California. It can feed on over 70 species of crop and ornamental plants. It poses a serious threat to the vineyards due to its ability to spread *Xylella fastidiosa*, the bacterium that causes Pierce's disease in grapes. The sharpshooter can also vector diseases to almond, alfalfa, oleander and citrus (UC 1999).

The Environmental Hazards Assessment Program (EHAP) of the Department of Pesticide Regulation (DPR) will conduct monitoring of selected treatments to provide information on the concentrations of the chemical in various environmental media that may include surface, irrigation runoff, and storm runoff water, soil, dislodgeable foliar residue, and air. In the event that ecologically sensitive areas are present, toxicity to aquatic organisms will also be determined in surface water.

This proposed monitoring plan will be followed for each application event. More than one application event may be monitored; the total number of events to be monitored will be decided when the extent of the treatment program is known. The final matrices and total numbers of samples collected will be determined once this information is available. The monitoring data will be used by CDFA to assess proper application rate and coverage and to estimate public and environmental exposure to the application.

II. OBJECTIVE

The objectives of this study are to

- 1) Measure the amount of imidacloprid (or other GWSS Section 18 insecticides) in air, surface, irrigation runoff and storm runoff waters, groundwater, dislodgeable foliar residue, and soil.
- 2) Measure movement of imidacloprid (or other insecticides of high leaching potential) in soil.

III. PERSONNEL

This study will be conducted by EHAP under the general direction of Kean S. Goh, Ph.D., Agriculture Program Supervisor IV. Key personnel include:

Senior Environmental Research Scientist: John Troiano, Ph.D.

Project Leader: Johanna Walters

Field Coordinator: Roger Sava, Alfredo DaSilva and Cindy Garrettson

Laboratory Liaison: Carissa Ganapathy

Analyzing Laboratory: California Department of Food and Agriculture, Center for Analytical Chemistry

Agency and Public Contact: Kean S. Goh at (916) 324-4072, kgoh@cdpr.ca.gov

IV. STUDY DESIGN

Monitoring will be conducted in agriculture areas where chemicals are being applied under US EPA FIFRA, Section 18 specific exemption label to treat GWSS infested agricultural areas. Monitoring in agricultural areas may include the following:

Tank or Drip-line Samples will be collected at the sites selected for monitoring of environmental matrices. This is to ensure that correct rate of chemical has been applied.

Dislodgeable Foliar Residue Samples will be collected if the materials are applied by foliar spray. Prespray, immediately postspray and at elapse of reentry interval will be taken.

Soil/Lysimeter Samples will be collected in the event that chemicals with high leaching potential are used by soil drench, band or furrow application, or chemigation. Data will be used assess the movement of chemical in the soil profile to prevent groundwater contamination.

Ground Water Samples will be collected from wells in proximity to highest application and site with shallowest groundwater. Pre-application samples and post application samples will be collected. Time and number of samples taken will be dependent on the movement of the insecticide as determined by the soil/lysimeter monitoring.

Air samples will be collected for foliar applications only. Samples will be collected in the highest use area to measure ambient insecticide concentrations. The samples will be collected for a 24-hour period before application (background). From the start of application a 24-hour sample will be taken followed by another 24-post-application sampling. Sampling will be timed for peak application period.

Surface waterways containing irrigation runoff will be monitored, both prior to and following applications to determine insecticide concentrations. Additionally, accessible storm runoff sites will be monitored during rain runoff events to determine concentrations due to wash off from exposed surfaces. During the first rain event after the initial application, samples will be collected at points of discharge and/or at areas of concern for aquatic organisms. The number and

frequency of samples collected will depend on availability and sensitivity of water bodies and on the intensity and duration of the runoff event.

Aquatic toxicity. If the application areas have ecologically sensitive site, surface water samples may be tested for aquatic toxicity. DFG will assist in the selection of aquatic species for toxicity testing. The species selected will depend upon the origin of the water samples. Toxicity testing will use U. S. Environmental Protection Agency (1993) and American Society for Testing of Materials (1992) methods. Water quality parameters (alkalinity, hardness, electrical conductivity, ammonia, pH, dissolved oxygen, and water temperature) will also be measured.

V. SAMPLING METHODS

Tank/Drip-line Sample. Distinct well-mixed tank or drip-line sample will be taken. Sample in 1-L plastic bottle will be kept on wet ice until analysis.

Soil. In the event that soil is sprayed, drenched, or chemigated, 2-3 fields with vulnerable soil will be selected. At each field, four soil cores or lysimeter probes will be collected at randomly selected subsites within an application site. Soil cores or lysimeter samples will be collected to a depth of 5 feet or deeper depending on leaching potential of the chemical used. Soil samples will be analyzed at 6-inch intervals and lysimeter samples will be pulled at 1-foot intervals. The soil cores will be placed into a glass jar and sealed with an aluminum foil lined lid (Garretson, SOP FSSO002.00). The number of soil cores collected and corresponding soil weight will be recorded on each sample's chain of custody (COC). Lysimeter water samples will be stored in amber bottles. Soil samples will be stored on dry ice or refrigerated at -20°C until extraction. Lysimeter water samples will be stored on wet ice or refrigerated at 5°C until extraction.

Air. In the event that chemical is applied by foliar spray, centrally located site(s) in the treatment area, will be sampled to measure outdoor ambient air concentrations of insecticide. These sites will be located within a circular area measuring one-half mile in diameter. Sites must also be accessible at all hours, protected from any direct spray, and have electrical power to run the samplers. Air samples will be collected during and for 48 hours following application, according to the following schedule: (1) duration of application plus one hour, (2) duration of 24 hours after application, and (3) another duration of 24 hours.

Sample will be collected using XAD-2 tubes (SKC#226-30-02) and an SKC air sampler (SKC#224-PCXR8) calibrated at approximately 3 liters-per-minute. Samplers will be located outdoor in open areas. Samples will be stored on dry ice until delivery to the California Department of Food and Agriculture's (CDFA) Center for Analytical Chemistry for laboratory analyses.

Surface water. Field runoff samples within treated fields may be sampled (Spurlock, SOP FSWA008.00). Surface water samples outside treatment area will be collected using a depth-integrated sampler (D-77) with a 3-liter Teflon® bottle and nozzle. Five to twenty vertical depth integrated samples will be composited at each site. At sites where the water is well mixed, or D-77 sampler cannot be used, due to insufficient water depth or access, a grab sample will be collected (Jones, SOP FSWA003.01). Grab samples will be collected as close to center channel as possible using a 10-liter stainless steel bucket or a grab pole consisting of a glass bottle at the

end of a 5-foot pole. Samples will be split into amber glass bottles using a Geotech® 10-port splitter then sealed with Teflon®-lined lids (Ganapathy, SOP FSWA004). Samples to be analyzed for pesticides will be preserved (if needed) by acidification with 3N hydrochloric acid to a pH between 3.0 to 3.5, and then stored on wet ice or refrigerated at 5°C until extraction (Bradley, SOP FSWA007.00). Toxicity samples if needed will be delivered on wet ice to the CDFG Aquatic Toxicity Laboratory within 30 hours.

Ground Water Sampling will be conducted according to the following SOP's: FSWA006 and FSWA001.00 (Marade 1996 and 1998).

VI. CHEMICAL ANALYSIS / TOXICITY TESTING

Chemical analysis will be performed by the CDFA's Center for Analytical Chemistry. Analytical methods are being validated and quality control measures are described in Segawa (1995). In the event that toxicity testing is deemed necessary, DFG's Aquatic Toxicology Laboratory will perform aquatic toxicity tests on surface water samples and measure totals of alkalinity, hardness and ammonia.

VII. DATA ANALYSIS

Concentrations for dislodgeable residues of insecticide in foliage will be reported as micrograms per square centimeter ($\mu\text{g}/\text{cm}^2$); soil concentrations will be reported as ppm or $\mu\text{g}/\text{g}^2$ on a wet weight and dry weight basis. Concentrations of insecticide in air will be reported as both micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and parts per trillion (ppt), and water concentrations will be reported as both micrograms per liter ($\mu\text{g}/\text{L}$) and parts per billion (ppb). When sample size permits, means, percentiles and frequency histograms will be presented. Toxicity data will be presented as percent mortality. Water concentrations will be compared with toxicity data to aid in the interpretation of toxicity test results.

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6.0 LIST OF SUBMITTED DOCUMENTS

A list of all documents submitted as attachments to comment letters during the PDCP Draft EIR comment period is provided below. All submitted materials are included as part of the administrative record and will be considered by decision-makers. Due to the volume of submitted documents, they are not duplicated as part of this “Comments, Responses, & Revisions” document. The submitted materials are incorporated by reference to this document and are available for public review at the main office of CDFA’s Plant Health and Pest Prevention Services, located at 1220 N Street, Sacramento, CA. Persons who wish to review the submitted materials may contact Mr. Jim Rains at (916) 651-9371 to schedule an appointment.

6.1 MATERIALS SUBMITTED WITH LETTER B15 (AS REFERENCED IN COMMENT B15-19)

A large number of documents were submitted to CDFA with letter B15. The list of documents is provided in this section, as presented and categorized in comment B15-19. A list of all other documents submitted during the public review period for the Draft EIR follows this section, starting on page 6-14.

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7.0 LIST OF ABBREVIATIONS USED IN THIS DOCUMENT

APHIS	Animal and Plant Health Inspection Service (USDA)
ADA	Americans With Disabilities Act
CalEPA	California Environmental Protection Agency
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDFG	California Department of Fish and Game
CDGS	California Department of General Services
CDHS	California Department of Health Services
CDPR	California Department of Pesticide Regulation
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CVC	Citrus Variegated Chlorosis
EIR	Environmental Impact Report
ESA	Endangered Species Act
FAC	Food and Agricultural Code
FFDCA	Federal Food, Drug, and Cosmetic Act
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FQPA	Food Quality Protection Act
GWSS	Glassy-winged Sharpshooter
IPM	Integrated Pest Management
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
PDCP	Pierce's Disease Control Program
PRA	Public Records Act
REI	Restricted Entry Interval
ROG	Reactive Organic Compounds
SAP	Science Advisory Panel
UC	University of California
USDA	United States Department of Agriculture

U.S. EPA	United States Environmental Protection Agency
U.S. FDA	United States Food and Drug Administration
USFWS	United States Fish and Wildlife Service
VOC	Volatile Organic Compounds

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